

## PROMOTIONS IN THE NAVY.

First Lieuts. Henry Leonard and Henry W. Carpenter, to be captains in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.

Second Lieuts. Richard G. McConnell, John W. Wadleigh, William R. Coyle, and Richard S. Hooker, to be first lieutenants in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.

## PROMOTIONS IN THE ARMY.

*Infantry arm.*

Lieut. Col. Philip H. Ellis, Eighth Infantry, to be colonel, January 17, 1901, vice Freeman, Twenty-fourth Infantry, appointed brigadier-general and retired from active service.

Maj. David J. Craigie, Twenty-fifth Infantry, to be lieutenant-colonel, January 17, 1901, vice Ellis, Eighth Infantry, promoted. Capt. Daniel H. Brush, Seventeenth Infantry, to be major, January 17, 1901, vice Craigie, Twenty-fifth Infantry, promoted.

First Lieut. Douglas Settle, Tenth Infantry, to be captain, January 17, 1901, vice Brush, Seventeenth Infantry, promoted.

## DISTRICT JUDGE.

Francis J. Wing, of Ohio, to be United States district judge for the northern district of Ohio, as provided for by act of Congress approved December 19, 1900.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 21, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

## POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order on the bill.

## WASHINGTON GASLIGHT COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up for present consideration the bill H. R. 13660.

The bill was read, as follows:

A bill (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes.

*Be it enacted, etc.,* That the Washington Gaslight Company be, and it is hereby, authorized and directed from time to time to increase its manufacturing and distributing plant and the capacity thereof as the present and future needs and growth of the District of Columbia may render necessary; and for such purpose said company, under the supervision and permit of the Commissioners of the District of Columbia, be, and it is hereby, authorized and empowered to construct and maintain such additional reservoirs and other works and improvements and to lay such additional mains and conduits in the streets, roads, avenues, and alleys in the District of Columbia as may be considered necessary by the Commissioners of the District of Columbia, and in all cases the approval of the Commissioners must be obtained prior to commencing work: *Provided*, That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith as may be necessary.

Sec. 2. That in order to provide and furnish artificial light to all residents in the District of Columbia at a uniform rate, the Washington Gaslight Company, upon the assent of a majority in value of its stockholders, is hereby authorized to contract for, purchase, own, or hold the whole or any part of the capital stock of any other illuminating company now doing business in the District of Columbia; or, upon like assent, to contract to purchase, purchase, or lease the property, plant, distributing plant, rights, effects, and franchise of any such other illuminating company, and, so purchasing or leasing, to exercise in said District all the rights, privileges, and franchises of such other company. And in the event of any such purchase of stock, contract, purchase of property and franchises, or lease, the Washington Gaslight Company is hereby authorized to issue and sell so much additional capital stock, of the par value of \$100 per share, upon terms and conditions to be prescribed by a majority of the stockholders, as may be necessary to complete such purchase of stock, contract, purchase of property, or lease: *Provided, however*, That the existing liabilities of such other company or companies, and the rights of the creditors thereof, shall not be affected thereby: *And provided further*, That no action or proceeding to which said other company may be a party shall thereby abate, but the same may be continued against such other company unless the court in which said action may be pending shall order said Washington Gaslight Company to be substituted as party thereto.

Sec. 3. That in order to enable the Washington Gaslight Company to comply with the foregoing provisions and requirements of this act, and to provide such additional capital as the increase of its business herein provided for may require, and to change the par value of the present shares of its capital stock without increasing the same beyond the limitation of its actual value, the Washington Gaslight Company, upon the written consent of a majority of the owners of record of the capital stock of said company, or by a resolution of a majority of the owners of such capital stock represented at a special meeting called and held as prescribed by law, is hereby authorized to issue stock of the par value of \$100 per share, at such times and in such amounts as in the judgment of the board of directors may be necessary: *Provided*, That the new stock so issued shall be allotted to the stock-

holders of said company upon such terms as to the cancellation and surrender of the old stock as the said resolution or written consent of the stockholders shall specifically set forth and provide. The balance of the stock issued under this authority, not allotted, may be sold by the company for the purpose of carrying out the provisions of this act: *Provided further*, That the total amount of the stock of said company herein authorized to be issued shall not exceed its actual value, to be ascertained by its board of directors by a capitalization upon a 4 per cent basis of the average net earnings of the company for three years next preceding the issue or issues of said stock, the said capitalization by said board of directors to be made under the supervision and approval of the supreme court of the District of Columbia upon petition therefor by said company under such regulations as the chief justice and the justices thereof shall prescribe.

SEC. 4. That where asphalt pavements or trees are injured or destroyed by leakage from gas mains the company owning such mains shall be responsible for such damage or loss, and the Commissioners of the District of Columbia are hereby authorized to recover damages therefor by appropriate action in any court of said District having jurisdiction of the same.

SEC. 5. That all acts or part of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. That Congress reserves the power to alter, amend, or repeal this act.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. PEARRE] who reported the bill.

Mr. PEARRE. Mr. Speaker, this bill is simple in its provisions, I do not know that it requires any lengthy explanation. The first section of the bill, as will be observed, authorizes and requires the Washington Gaslight Company to increase its manufacturing and distributing plant so as to meet the increasing demands of the growing city of Washington.

Mr. MOODY of Massachusetts. Will the gentleman permit a question? Why can not the company do that now under authority of law?

Mr. PEARRE. I do not know but what they could do that now by authority of law, but under this bill not only is authority granted here, but there is a requirement that it shall be done. In other words, Congress by this act will require the company to extend its works to meet the increasing demands of the city.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. PEARRE. Certainly.

Mr. HOPKINS. Who is to determine that? Is there anything in the bill to indicate that? Suppose the people along a certain street wanted the gas, what provision is there in the bill to compel the laying of gas mains along such a street?

Mr. PEARRE. In answer to the gentleman, I will state that I apprehend that will be covered by the proviso to the first section, on page 2:

*Provided*, That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith as may be necessary.

Mr. HOPKINS. But is there any authority given to the people on the street?

Mr. PEARRE. I presume if the people living on a street wanted a gas main they could apply to the Commissioners of the District under the provisions of this section; and the Commissioners of the District, if they thought it necessary to meet the public and private needs, could require the gaslight companies to have provision made to meet that demand.

Mr. HOPKINS. In many of the cities of the country the gaslight companies are prohibited from extending their mains on any particular street without authority from the majority of the property owners abutting on the street. Is there any provision here to protect the people on a street if they do not desire the gas?

Mr. PEARRE. I presume that matter will be left to the discretion of the Commissioners of the District, in whose discretion it seems the practice and policy of Congress has been to leave these matters; and it is to be presumed that the Commissioners will look the ground over, consider the applications, petitions, or protests, and act as the property represented and public policy would suggest.

Mr. HOPKINS. Another question. There has been a great complaint by the people of Washington that the Commissioners have favored one section of the city to the detriment of another. Has the gentleman compared the provisions of this bill with the laws existing in many of the cities, where the authority is given to the people owning the property abutting on the streets to determine that matter for themselves?

Mr. PEARRE. The assumption of the committee in reporting this bill in regard to that matter is, of course, that the Commissioners of the District will deal fairly with the citizens of the District both in the direction of the extension of the mains and the protests against the extension of the mains in certain localities. Outside of that there is no provision.

The second section of this bill, Mr. Speaker, authorizes the Washington Gaslight Company to purchase or lease or contract for the purchase of any gas plant or illuminating plant in the District of Columbia upon the assent of a majority of its stockholders—that is, the stockholders of the Washington Gaslight Company—and the assent of a majority of the stockholders (properly determined) of the purchased company.

Mr. MOODY of Massachusetts. Will the gentleman permit me

to ask him a question there? How many illuminating companies are there in Washington?

Mr. PEARRE. The policy of Congress has been this: There is one gaslight illuminating company in Washington proper and one in Georgetown, as it was formerly called, but now a part of the city of Washington.

The territory of Washington City proper has long since been turned over to the Washington Gaslight Company. The territory of the old limits of Georgetown has been turned over to the Georgetown company. The Washington Gaslight Company is the holder of a large majority of the stock in the Georgetown company, and one of the purposes of this section is to authorize the consolidation of both companies. I may add here that the price of gas in Georgetown now, under the operation of the Georgetown company, is, or will be after July 1, 1901, \$1.25. The legal rate for gas in Washington is \$1, or will be, as required by the act of 1896, after the 1st day of July, 1901. So, after the consolidation is consummated, the Georgetown people will have the benefit of procuring gas at \$1 per 1,000 cubic feet, the same as the people of Washington.

Mr. MOODY of Massachusetts. I care nothing about the consolidation of the gas companies, but will this permit the purchase by the gaslight company of the electric-light companies?

Mr. PEARRE. I may add that there are two electric-light companies in Washington. One is the Potomac Light and Power Company and the other is the United States Electric Company. These two companies are the only two other illuminating companies outside of the two I have mentioned. This bill will authorize the consolidation with other illuminating companies outside of the gas company.

Mr. MOODY of Massachusetts. If I understand, the Commissioners of the District of Columbia opposed the bill in its present form.

Mr. PEARRE. If the gentleman will read the report and the letter of the Commissioners, he will see that the Commissioners do not oppose the bill in its present form. There are certain suggestions—

Mr. MOODY of Massachusetts. Let me call the gentleman's attention to the letter of the Commissioners, in which it is said:

The advisability of permitting a consolidation of the gas companies and the electric-lighting companies is one which the Commissioners are not prepared at this time to recommend, although they approve the consolidation of the gas companies.

Mr. PEARRE. The Commissioners say they are not prepared to recommend. That is a different proposition, as I understand it, from the gentleman's statement that they are opposed to it, or do not approve of this consolidation.

Mr. MOODY of Massachusetts. My statement was based upon that, and is no greater or less than the statement I have read.

Mr. PEARRE. The gentleman will observe that the first bill introduced was House bill 13390. That bill was submitted to the Commissioners for their report, and the Commissioners' letter contained in the report is based on that bill. An effort was made by the committee to conform to the suggestions made in the letter of the Commissioners, not by amendments, but by the introduction of a new bill, which was done in House bill 13660. Is that the bill which the gentleman from Massachusetts has?

Mr. MOODY of Massachusetts. I have the bill which is before the House.

Mr. PEARRE. All the recommendations of the Commissioners have been fully covered by the new bill, but it does include this permission to consolidate with other illuminating companies, upon which the wisdom of the House must pass.

Mr. MOODY of Massachusetts. I would like to ask the gentleman one more question. In this consolidation, if I understand the effect of this section, the parties may agree upon any price they see fit to make for the stock of the gaslight company, and have the right to issue new stock up to the amount of the purchase price without any supervision.

Mr. PEARRE. That is finally limited, as the gentleman will observe in the third section of the bill, by the provision that "the total amount of the stock of said company herein authorized to be issued shall not exceed its actual value, to be ascertained by its board of directors by a capitalization upon a 4 per cent basis of the average net earnings of the company for three years next preceding the issue or issues of said stock," etc.

Mr. MOODY of Massachusetts. The value as ascertained by the directors?

Mr. WM. ALDEN SMITH. Will the gentleman permit a question?

Mr. PEARRE. Certainly.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Maryland if this is not a most unusual clause contained in section 3, the proviso following line 7, wherein the basis of the issuance of stock by the corporation is made to be the net earnings of the company on a 4 per cent basis? Why, Mr. Speaker, there is not a single safeguard in that language. Under that lan-

guage, if this turns out to be a prosperous concern, there is absolutely no limit to the capitalization. Why should not the capitalization be based upon the value of the plant, ascertained in the usual way by fair computation and inventory?

Mr. PEARRE. I thought I yielded to the gentleman for a question.

Mr. WM. ALDEN SMITH. I am going to ask my question. Why should not the capitalization of this company be what the property is actually worth, thus furnishing a proper basis for regulating the price of gas to its consumers in the District of Columbia? This provision strikes me as most unwise. I can not see a single feature in it that ought to be approved. If passed, it will enable the company to exact a price for gas which will be based upon a fictitious cost of production and burdensome to consumers.

Mr. PEARRE. It appeared to the committee that there was no better or more accurate method of determining the actual value of a stock than to base the authorized issuance of it upon a basis of 4 per cent of its earnings.

Therefore the bill provides that—

The total amount of the stock of said company herein authorized to be issued shall not exceed its actual value—

That is provided in the bill—

shall not exceed its actual value, to be ascertained by its board of directors by a capitalization upon a 4 per cent basis of the average net earnings of the company.

It is first required that the amount of stock shall not exceed its actual value, and this is to be ascertained not upon a basis of 6 per cent or 8 or 10 per cent of the average net earnings, but 4 per cent of the average net earnings. A 4 per cent stock, Mr. Speaker, is considered a par stock. Therefore, when you capitalize this through its board of directors on a basis of 4 per cent of the average net earnings of the company, you are capitalizing it as a par stock paying 4 per cent. I do not know of any more accurate or any better method of ascertaining the value.

Mr. WM. ALDEN SMITH. Why not capitalize on the actual value of the plant—the cost of the plant?

Mr. PEARRE. If the gentleman will examine the bill he will find a subsequent clause which says:

The said capitalization by said board of directors to be made under the supervision and approval of the supreme court of the District of Columbia upon petition therefor by said company under such regulations as the chief justice and the justices thereof shall prescribe.

Mr. WM. ALDEN SMITH. Would not the court be bound by this statutory declaration?

Mr. PEARRE. The court would be bound by the statutory declaration; and the act provides that the courts shall see to it that the provisions of the statute are carried out.

Mr. WM. ALDEN SMITH. If the court has no legal discretion, of what avail will be the appeal to the court? If your statute directs the basis of value, of what use will be the finding of the court? They would, of course, be obliged to follow the law.

Mr. PEARRE. There is no necessity for giving the court any discretion in that matter, because the method of ascertaining the capitalization is fixed in the bill, and the committee believes it is properly and accurately and fairly fixed.

Mr. WM. ALDEN SMITH. Then why not strike that out? It does not fool anybody.

Mr. PEARRE. It is not designed to fool anybody. The purpose is to see that the public is not fooled.

Mr. MOODY of Massachusetts. I wish to inquire whether this provision also is not opposed by the Commissioners? Do they not say:

The general law authorizes gas companies to issue stock and bonds under the supervision of the supreme court of the District of Columbia. It is believed that this method is sufficient for the purpose, and better safeguards the issue of the stock than the method prescribed in the proposed act.

Mr. PEARRE. I have just read the provision which covers that point. If the gentleman will refer to the closing part of section 3, he will find these words:

The said capitalization by said board of directors to be made under the supervision and approval of the supreme court of the District of Columbia, upon petition therefor by said company, under such regulations as the chief justice and the justices thereof shall prescribe.

Mr. MOODY of Massachusetts. That is all right; but is there any provision of existing law which allows the company to make a capitalization? The difficulty in this bill is that the supervision of the court is constrained by a new provision of law.

Mr. WM. ALDEN SMITH. That is the point.

Mr. MOODY of Massachusetts. And I would like to ask another question. What is the present capitalization of the Washington Gaslight Company—

Mr. PEARRE. Two million six hundred thousand dollars.

Mr. MOODY of Massachusetts. What could it be under this provision?

Mr. PEARRE. I presume about eight millions.

Mr. MOODY of Massachusetts. Then here is a bill which authorizes the increase of the capital stock of this company from

\$2,600,000 to \$8,000,000, and this House is giving it no attention.

Mr. GROUT. Mr. Speaker, I was out when this matter came up. I understand we are engaged in general debate?

Mr. PEARRE. Yes, sir.

Mr. GROUT. I would like to hear a statement from a gentleman in charge of the bill as to its object—just a brief statement.

The SPEAKER. The House will come to order. The Chair has never yet suggested to this House that the cloakrooms are the proper place for conversation, but must do so now; for the persistent determination to converse makes it impossible for the House to do business intelligently. Again the Chair appeals to members to maintain such order as is essential to intelligent action.

Mr. PEARRE. I will say to the gentleman from Vermont that I have already made a statement with regard to the scope and purpose of the bill.

Mr. GROUT. I was not here.

Mr. PEARRE. If the gentleman so desires, I will repeat it, with the indulgence of the House.

The purpose of the bill is to authorize the consolidation of the Washington Gaslight Company with the Georgetown Gaslight Company. That is the first purpose of the bill. It also authorizes the consolidation of the Washington Gaslight Company with any other illuminating company in the District of Columbia.

Mr. GROUT. That would include—

Mr. PEARRE. The gentleman will allow me to finish my statement. That would include electric-lighting companies as well as gas companies, and there are two such companies in the District.

Mr. DALZELL. Allow me at this point to inquire whether either of these electric-lighting companies has been heard on this bill by the committee?

Mr. PEARRE. I do not know. Neither party has been heard upon the bill as far as I am aware. I do not know that there was any desire expressed on the part of either to be heard. At least, so far as I know, no notice was given to the committee of such a desire.

Mr. DALZELL. Let me ask the gentleman how long this bill has been pending before the committee?

Mr. PEARRE. Since January 8.

Mr. BABCOCK. I should say it has been before the committee for some two or three weeks.

Mr. MOODY of Massachusetts. It was introduced apparently on the 17th of January.

Mr. HENRY C. SMITH. And reported on the 19th.

Mr. PEARRE. I will state that the bill was introduced on the 8th day of January, I find.

Mr. GROUT. Mr. Speaker—

Mr. GAINES. Now, why do you wish to consolidate these companies?

Mr. PEARRE. I understand the gentleman from Vermont [Mr. GROUT] wishes to be heard, and I have yielded to him.

Mr. GROUT. When the gentleman is through I would like to have a few minutes.

Mr. PEARRE. Very well. I yield to the gentleman from Tennessee.

Mr. GAINES. Why is it desired to consolidate these companies?

Mr. PEARRE. I have gone through that to some extent already, and will state again that it is believed it would be for the best interests of the public to permit this thing to be done. The consolidation of the gas companies is approved by the Commissioners. It is a matter which rests in the ripe wisdom and justice of the House of Representatives; and the Committee on the District of Columbia, which has considered the matter, would be glad to hear if there are any objections to such consolidation. We have brought the bill in here believing it to be for the best interests of the public service.

It seems to be generally conceded that it is not a bad thing for the public interests to authorize the consolidation of gas companies and to provide for the manufacture and distribution of this service in a given municipality under the control of one company. It has worked well heretofore in other places, and we saw no reason why it should not work well here. It is preferred to have the management of one company to control a business of this kind; it can be done cheaper, the people get the benefit of cheaper rates, and there is economy, of course, in the management.

Mr. GAINES. Does the gentleman think it better to shut off all competition than to allow these gas and electric light companies to compete with each other for supplying the public with illuminating material?

Mr. PEARRE. I have endeavored to answer the gentleman's question. It is the opinion of many gentlemen who have made a close investigation of the subject that a monopoly of the gas manufacture in a given territory is not injurious to the public interests, but, on the contrary, is an advantage to the public by securing better rates. The consolidation of the gas companies is approved by the District Commissioners.

Mr. GAINES. But this provides for the consolidation of the electric and the gas companies as well.

Mr. PEARRE. Yes, sir.

Mr. GAINES. Whose opinion is that?

Mr. PEARRE. It is the opinion of gentlemen who have made a close investigation of the subject.

Mr. GAINES. Will the gentleman name any one of them?

Mr. PEARRE (continuing). And the committee, on an investigation for itself, concluded that that would be rather an advantage than otherwise to the people of the District.

Mr. GAINES. But can the gentleman name any person of authority who has made an investigation and who reports in favor of such a consolidation?

Mr. PEARRE. I do not know that I can give the name of such parties, except the District Commissioners, who approve of gas consolidation.

Mr. GAINES. Did any such person appear before the Committee on the District of Columbia and make such a recommendation?

Mr. PEARRE. To whom does the gentleman refer?

Mr. GAINES. I refer to those gentlemen who have made an "investigation of the subject"—gentlemen who are "authority" upon the subject.

Mr. PEARRE. The committee had this matter under advisement and heard people interested in the bill. There was no dissenting voice as far as the committee heard. On the contrary, it was believed to be a wise provision of the law.

Mr. GAINES. Have any outsiders who know anything about the matter been before the committee?

Mr. PEARRE. I repeat, I have heard no claims from anybody outside in opposition to the passage of the bill providing for this consolidation.

Mr. GAINES. Has anybody advocated it?

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. PEARRE. Certainly.

Mr. GROSVENOR. I desire to ask the gentleman from Maryland for information as to the meaning of the provision I find in the bill in the following language. I want to see if I understand precisely what it means, as it seems to be somewhat anomalous in a bill of this character and might lead to some confusion unless it was thoroughly explained. What does this language mean:

That the Washington Gaslight Company be, and it is hereby, authorized and directed—

to do so and so? Now, that is assuming the control of this corporation by Congress and issuing to it a mandatory order to do what? To increase its manufacturing and distributing plant in the capital city, bringing it up to the presumably future growth of the District of Columbia.

Now, I think, in the first place, the gentleman will allow me to say, that it is usually enough for a corporation, without the consent or order of any legislative body, to go ahead and increase its plant to meet the requirements of the service without asking permission of any one.

But here is a mandatory provision directing the corporation to make provision for present necessities and for all future time. It implies two things to my mind: First, that up to this time it has not complied with the proper discharge of its duty, and second, that it is in this way to be annointed for all future contingencies in this District. With what grace can Congress in any other year, up to the dim future, undertake to put up any competition with this gas company when it has itself compelled the gas company to make this provision for all future time? It looks to me as though this was an attempt (innocently on the part of the committee) to put a barrier against any future legislation and against any possible competition in all the future.

Mr. STEELE. Including the electric lighting companies?

Mr. GROSVENOR. Including everything.

Mr. PEARRE. In reply to the gentleman from Ohio, I will say that some discussion arose in the committee with regard to the word "direct," and a suggestion was made that the word be stricken out. The members of the committee, and, as far as I know, anybody else, did not object to the elision of the word "direct" until the suggestion was made that the power should be retained by Congress over this company, so as to compel them to meet the growing needs of the District as those needs presented themselves, and that if the word "authorized" be used alone they would be enabled to do it simply in their own discretion and in their own time, but that the introduction of the word "direct" would compel them to do it, or enable Congress to impose such penalty as would be proper. As far as the word "direct" is concerned, if it is offensive to the gentleman I believe the committee would not object to its elision.

Mr. DALZELL. Will the gentleman allow me?

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Pennsylvania?

Mr. PEARRE. I do.

Mr. DALZELL. I want to make this suggestion: It appears that this bill was introduced on the 17th of January.

Mr. PEARRE. Introduced on the 8th.

Mr. DALZELL. And reported on the 19th. It appears that

the only parties who were heard on the bill were the Washington Gaslight Company. Now, it does not seem to me that a bill which grants such very extraordinary powers as this bill seems to grant should be passed by this House without an opportunity upon the part of all people who are interested to have a hearing, and I suggest to the gentleman now, in the interest of his bill, that it go over until these people can be heard.

Mr. PEARRE. Mr. Speaker, I think I apprehend what the gentleman is getting at. I understood this morning, or rather the committee understood this morning, a very few minutes before the House met, that there were some gentlemen connected with the electric illuminating companies who wanted to say something upon this bill. It was then ascertained that, as far as the gentlemen were concerned who were interested in the passage of the bill, they would make no objection to the elision from the bill of the word "conduit," which, I believe, was the suggestion that was made. I do not know whether that suggestion was made to the gentleman from Pennsylvania or not.

Mr. DALZELL. No; I do not know anything about that at all.

Mr. HOPKINS. Will the gentleman yield?

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. PEARRE. I do.

Mr. HOPKINS. I notice that in section 2 of the bill there is a provision that the Washington Gaslight Company can buy a majority of the stock of any other illuminating company. I would like to ask the gentleman what provision there is in the bill to protect the minority stockholders in the various companies of which the Washington Gaslight Company might buy the majority of the stock?

Mr. PEARRE. I do not know that there is any provision in this particular bill.

Mr. HOPKINS. Is there any protection to the minority stockholders in these various companies if the Washington Gaslight Company gets control of the majority of the stock of any one of the companies?

Mr. PEARRE. None that I know of outside of the provisions of general law.

Mr. HOPKINS. Does not the gentleman think that before this bill becomes a law ample provision should be made in it to protect the minority stockholders in the companies that are liable to be absorbed by the Washington Gaslight Company?

Mr. PEARRE. I think that some question of this kind arises on every bill of this character which comes up. It arose in relation to the consolidation of the electric railway companies, in the bill upon which the gentleman voted at the last session of Congress. I do not remember that there was any provision there giving any special protection or throwing any special safeguard around the minority stockholders, and that bill passed without objection.

Mr. HULL. Mr. Speaker, will the gentleman from Maryland [Mr. PEARRE] yield until I can ask unanimous consent to put the Army reorganization bill into conference?

Mr. PEARRE. I yield to the gentleman for that purpose.

#### ARMY REORGANIZATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the report of the Committee on Military Affairs with regard to the bill for the better organization of the Army may be taken up, and that the bill may be sent to conference and the report of the committee adopted.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Army reorganization bill be taken up, and that the report of the committee may be agreed to, disagreeing to the amendments of the Senate and agreeing to the conference asked by the Senate. Is there objection to this request?

Mr. RICHARDSON of Tennessee. Mr. Speaker, when that request was preferred on Saturday I objected; but since then I understand the minority members of the Military Committee favor this course, and therefore I make no objection.

Mr. HULL. It is the unanimous report of the committee.

The SPEAKER. The Chair hears no objection; and the Chair announces the following conferees on the part of the House: Mr. HULL, Mr. BROWNLOW, and Mr. HAY.

#### WASHINGTON GASLIGHT COMPANY.

The SPEAKER. The gentleman from Maryland.

Mr. HOPKINS. Mr. Speaker, I desire to interrupt the gentleman. Inasmuch as it is apparent that the gaslight companies and the electric-light companies had no hearing before the District Committee on this subject, and it appearing also in the bill that no provision is made for the protection of the minority stockholders in any of the companies, would it not be wise and in the interest of all these companies, including the Washington Gaslight Company itself, to recommit the bill and give the parties a hearing on this and other subjects?

Mr. PEARRE. I think perhaps I can simplify the matter so far as the gentleman's mind is concerned. The only other gaslight company in the District of Columbia is the Georgetown company,

the capital stock of which is \$150,000. A large majority of it is owned and held by the Washington Gaslight Company. That practically eliminates the Georgetown Gaslight Company. Again, Mr. Speaker, it is only proper that the committee should say that those interested in the passage of this bill appeared before the committee and gave information to the effect that where there was consolidation with the other illuminating companies they believed from experience the public is benefited much more by the consolidation of the illuminating companies than the companies themselves; that cheaper gas and cheaper electricity and better gas and better electricity would be the final result of such consolidation, and therefore they suggested the power given in this bill.

There is no consolidation with the illuminating companies; that is, with the electric-light companies. But if the gentleman thinks that there is a danger lurking under that provision, I believe I may say—and I believe I voice the sentiments of the committee on that subject—that if the House does not concur in the suggestion which I have made we can remove that objection by eliminating that feature of the bill, and thereby authorizing solely the consolidation of the Georgetown Gaslight Company and the Washington Gaslight Company, which are the only gaslight companies in the District. The gentleman will see by looking over the second section that that can be done by striking out the words "illuminating company" and the word "conduits" where they occur.

Mr. ROBINSON of Indiana. Mr. Speaker, I ask the gentleman to allow me to interrupt him.

Mr. PEARRE. Certainly.

Mr. ROBINSON of Indiana. It has been rumored that the majority stock of the illuminating companies, including the electric-light companies, is all controlled by the same corporation and individuals.

Mr. PEARRE. The committee has no such information, Mr. Speaker; on the contrary, the information of the committee is confined to what I have already stated—that the majority of the stock of the Georgetown Gaslight Company is owned and controlled by the Washington Gaslight Company, and therefore the desire for this consolidation. Outside of that we have no information.

Mr. MOODY of Massachusetts. Mr. Speaker—

The SPEAKER. Does the gentleman from Maryland yield to the gentleman?

Mr. ROBINSON of Indiana. Mr. Speaker, I was asking the gentleman a question.

The SPEAKER. The gentleman from Indiana had not addressed the Chair.

Mr. ROBINSON of Indiana. I beg the Speaker's pardon. The Speaker's attention was diverted.

The SPEAKER. Then the gentleman should hold the floor until the Chair's attention is called. Does the gentleman yield to the gentleman from Indiana?

Mr. PEARRE. I do.

Mr. ROBINSON of Indiana. I ask the gentleman if it is not a fact that the majority stock of all these companies is owned and held by the same individuals and corporations. Will the gentleman say that that is not the fact?

Mr. PEARRE. The gentleman will not. But the gentleman has stated the committee has no such information; and no such intimation has reached the committee. Furthermore, the committee has had the assurance that there has been absolutely no proposition from one side or the other, from the gaslight company or the electric-light company, nor any negotiations leading up to a consolidation. In other words, up to this time, so far as the committee knows, no negotiations have been suggested by either of the electric illuminating companies.

Mr. ROBINSON of Indiana. I ask the gentleman if the electric illuminating companies and the gaslight companies are owned by the same parties?

Mr. PEARRE. I do not know anything about it.

Mr. MOODY of Massachusetts. I would like to ask the gentleman if he has not stated that it is understood that the Washington Gaslight Company owned the majority of the stock of the Georgetown Gaslight Company?

Mr. PEARRE. That is the information before the committee.

Mr. MOODY of Massachusetts. The Georgetown will be the one that will sell, and the price that is agreed upon is to be made up by the sale of bonds. There you have the situation. If the party owning the thing that is for sale is the one that buys, he is interested in making a great price, and they may make any price they please and stock for that amount may be issued. Is not that an illimitable stock watering?

Mr. PEARRE. That is provided for in the fourth section.

Mr. MOODY of Massachusetts. At 4 per cent. There is no limitation of what capital would be able to do on that.

Mr. PEARRE. It would be on the basis of 4 per cent of the average net earnings.

Mr. NEWLANDS. May I ask the gentleman whether the Washington Gaslight Company has now the right to lay electric conduits?

Mr. PEARRE. The Washington Gaslight Company has not now the right, which I assume the gentleman knows.

Mr. NEWLANDS. I do not know.

Mr. PEARRE. Do you not?

Mr. NEWLANDS. Does this bill give the Washington Gaslight Company that power?

Mr. PEARRE. It has been formerly stated in this discussion that this does give it such a power, but that if the House does not concur in the suggestion that it may be well to consolidate all the illuminating companies in the interest of the consumer, then, so far as the committee is concerned, the committee will not insist upon such consolidation of the electric illuminating companies, and in such event will so amend the bill as to remove the power contained in the bill of laying conduits.

Mr. NEWLANDS. Let me ask another question. Does this bill, outside of the provisions for consolidation, give power to lay electric conduits?

Mr. PEARRE. It specifically gives the power to lay electric conduits.

Mr. NEWLANDS. Outside of the provisions for consolidation?

Mr. PEARRE. Outside of the provisions for consolidation.

Mr. NEWLANDS. Are you willing to allow that provision to be stricken out?

Mr. PEARRE. I have just said that all the provisions relating to consolidation with electric illuminating companies and the laying of conduits the committee is willing should be stricken out. I believe the committee would agree to such amendments of the bill.

Mr. OLMSTED. Mr. Speaker—

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Pennsylvania?

Mr. PEARRE. I do.

Mr. OLMSTED. I think I understood the gentleman to say that the object of the consolidation of the gas companies was to produce greater economy, which would result to the benefit of the consumer.

Mr. PEARRE. I say that many men believe that such consolidation will result in cheaper gas, which, of course, would be for the benefit of the consumer. I am not authorized to say that the committee commits itself absolutely to that theory.

Mr. OLMSTED. I want to know whether this bill is for the benefit of the consumer or for the benefit of the gas company.

Mr. PEARRE. As I say, there are many bright intellects who think that consolidation results in cheaper gas, which, of course, would be for the benefit of the consumer, and there are many men who believe that consolidation does not work for the advantage of the consumer.

Mr. OLMSTED. I want to ask the gentleman if it would not be wise to draft a section making a reduction in the price of gas in this bill?

Mr. PEARRE. If the gentleman will permit me, the price of gas prior to 1874 was \$1.50. In 1896 a bill was passed which reduced the price of gas in Washington City to \$1.25, finally to \$1.10, with a provision which required that after the 1st day of July, 1901, gas should be furnished in Washington at \$1 per thousand cubic feet. The same provision was contained in the bill in regard to the Georgetown Gaslight Company, reducing them from about \$2 to \$1.25, to take effect after the 1st day of July, 1901. So that after July 1, 1901, if this consolidation takes place, both Washington and Georgetown will get gas for \$1 per thousand cubic feet.

In regard to the question of monopoly, which the gentleman and others have suggested, I will say that there is a monopoly in Washington and Georgetown to-day, authorized by Congress.

Mr. OLMSTED. Had not we better make the benefit to the consumer visible and specific by reducing the rate, by the bill, to 90 cents a thousand cubic feet?

Mr. PEARRE. We might make it 25 cents, if in the wisdom of Congress it appears to be the best thing. Our committee did not consider this feature. No one in the District suggested. Our committee, however, saw no reason at this time, with this provision in the act of 1896 to take effect in 1901, to reduce it below \$1 per thousand cubic feet. They saw no urgent necessity of reducing it at this time in this bill. So far as the monopoly is concerned, it has existed since 1874 in Washington City and in Georgetown, by the action of Congress.

Mr. GAINES. Mr. Speaker—

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Tennessee?

Mr. PEARRE. When I have finished the remarks that I am about to make. In addition to the committee amendment embodied in the report of the committee, there are other amendments which the committee designed to offer before the bill is put upon its final passage. The most important amendment is contained in section 3, on page 4, after the word "company," in line 8. An amendment will be proposed to strike out the word "herein," and in line 9, page 4, after the word "issue," insert the words "by this section." The committee believes that the most dangerous feature

of this bill has not yet become apparent to the gentlemen who have been discussing it—

Mr. GROSVENOR. That seems to be suggestive in a bill of the importance of this being introduced on Friday and sought to be passed on Monday.

Mr. PEARRE. The gentleman is in error about that. The bill was introduced on the 8th day of January.

Mr. GROSVENOR. I have the bill before me, which says it was introduced January 17.

Mr. PEARRE. As a matter of fact it was introduced on the 8th day of January, but there were changes, and instead of amending the bill it was introduced as a new bill—House bill 13360—in the effort of the committee to have a perfect bill. The gentleman knows that when these matters are brought before the committee they are not artistically drawn.

Mr. GROSVENOR. This is very artistically drawn. [Laughter.]

Mr. PEARRE. If I had thought so I should have suspected the gentleman from Ohio had a hand in it, because when it comes to artistic work in legislation there is no one whom I would put before the gentleman from Ohio. [Laughter.]

Now, I have said about all I care to say on this bill at this time. There is another amendment in line 12, page 4, to strike out the words "issue or issues of said stock" and insert the words "year nineteen hundred and one." The purpose of these two amendments I have just read is to limit this capitalization authorized by the closing words of the section to one occasion. In other words, the bill as amended would prevent capitalization of the stock except on one occasion. The bill as first introduced—it was introduced a second time—would have permitted frequent increases in capitalization—increases every three years. By the present bill the company is limited to one capitalization based upon 4 per cent of the average net earnings for the three years prior to 1901. That is a limit to one increase.

Now, I believe the gentleman from Tennessee desired to ask me a question.

Mr. GAINES. The gentleman stated a few moments ago that Georgetown was furnished with gas by a monopoly. Did he mean to say there was only one company that has the legal right to make gas over there?

Mr. PEARRE. That is the existing fact—one company in Washington and one in Georgetown.

Mr. GAINES. Can not Congress authorize another company to furnish gas there?

Mr. PEARRE. I have no question of the power of Congress to do so.

Mr. GAINES. In the event that the company which now furnishes gas in the city of Washington should charge exorbitant prices, could not Congress authorize, if it has not already done so, the Georgetown "monopoly," of which the gentleman speaks, to furnish gas to the city of Washington, and in this way compete with this monopoly?

Mr. PEARRE. The gentleman certainly does not desire information on that point from me. He knows as well as I do that Congress has such power.

Mr. GAINES. The gentleman stated a while ago that Georgetown was furnished with gas by a monopoly, and did not explain this.

Mr. PEARRE. I say so now; and I say the same of the city of Washington.

Mr. GAINES. And can not those two companies now compete, while if they consolidate there would be no competition?

Mr. PEARRE. Beyond question those two companies can compete; and, of course, if Congress chose to do so it could charter additional companies.

Mr. GAINES. But if these companies are consolidated there will be no competition?

Mr. PEARRE. None. But there is no competition now. The Georgetown company is controlled by the Washington company; but each is limited to a prescribed price by the act of 1896.

Mr. GAINES. But as the matter now stands the two companies can compete?

Mr. PEARRE. Certainly.

I now yield for a question to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. As I understand, according to the proposed amendment, the maximum capitalization of this company will be on the basis of their earnings for three years preceding 1901?

Mr. PEARRE. Yes, under the amendment which the committee will propose.

Mr. WM. ALDEN SMITH. Now, that is fixed as the basis of capitalization and the issuance of stock. I suppose the gentleman from Maryland regards that as a limitation. Yet it is wholly within the power of Congress to extend that limitation from time to time.

Mr. PEARRE. Of course, the power of Congress is limited only by the Constitution and by the will of the body.

Mr. WM. ALDEN SMITH. The point to which I wish to direct the gentleman's attention is this: That the proposed basis of capitalization is a false basis, not a proper one upon which to base this consolidation.

Mr. PEARRE. The committee has heard the gentleman's views on that point; and so far as I understand the views of the committee, they do not comport with the gentleman's opinion in that respect. We look upon a 4 per cent stock as a par stock; and in our view a capitalization based upon 4 per cent of the net earnings is an accurate, true, faithful representation of the real value of the property.

Mr. WM. ALDEN SMITH. But the value of the property will increase with the growth of the company and its business.

Mr. PEARRE. The gentleman's objection would have been pertinent under the bill as originally prepared, but it is obviated by the limitation of the increase of the capitalization to this one time—namely, in 1901.

There will necessarily be, of course, one or two slight amendments. On page 3, for instance, in line 22, the word "times" must be changed to read "time."

The SPEAKER. Does the gentleman from Maryland [Mr. PEARRE] surrender the floor?

Mr. PEARRE. Mr. Speaker, in view of the numerous suggestions which have been made, some of which the committee think pertinent and wise and as to which the committee is very glad to have had the benefit of the wisdom of members of the House, it has been suggested that it may be well to ask the House to lay aside this bill temporarily until such amendments as appear proper and wise to the committee may be made.

Mr. GROSVENOR. Will not the gentleman make a motion to recommit the bill, and in that way put it in such position that its opponents may be heard? I think that is what should be done.

The SPEAKER. Is there objection to laying the bill aside informally?

Mr. HOPKINS. I object. I wish to say to the gentleman in charge of the bill that if it is to be laid aside I think it ought to be recommitted to the Committee on the District of Columbia, so that any parties interested may have an opportunity to be heard before the committee. But if the bill remains here on the Calendar the committee will have no more jurisdiction over the matter than any other members of the House except when they take charge of it on the floor. I think, in view of the developments this morning, that this bill should be put in such form as that those parties interested may have a hearing before the committee, whether for or against it, if they so desire.

The SPEAKER. The Chair would suggest that the motion to recommit is entirely within the control of the gentleman from Maryland who is now occupying the floor.

Mr. PEARRE. I yield to the gentleman from Wisconsin for a suggestion.

Mr. BABCOCK. Mr. Speaker, a word in reference to the pending proposition, before any action is taken by the House. I do not believe that there has ever been presented to the House a bill which has been so thoroughly misunderstood as this.

Now, so far as the electric lighting is concerned and the purchase of its plant is involved, the gas company cares nothing whatever about it, and is willing to strike that out of the bill and leave the entire matter to rest exclusively upon the consolidation of the gas companies. That is the only opposition, I understand, that there is to the bill.

Several MEMBERS. Oh, no.

Mr. BABCOCK (continuing). That provision the company proposes to strike out, and there is no opposition to that on the part of those persons who are interested in passing this bill, as I understand it.

Mr. HOPKINS. I think the gentleman from Wisconsin is entirely in error when he says that this is the only objection. Now, one of the great objections that I see to the proposition is the liability under the bill to overcapitalization. In my judgment the bill is defective in that respect.

A second proposition or ground of opposition is that there is no protection, as far as I have been able to discover, to the minority stockholders in any of the companies proposed to be consolidated under the terms of the bill.

Again, there is a third objection, that no adequate protection is given to the property owners along the line of the streets where the proposed improvements may be established from time to time under the provisions of the bill.

Mr. BABCOCK. They are protected by existing law.

Mr. HOPKINS. Not at all.

Mr. BABCOCK. That is entirely in the hands of the Commissioners of the District, has always been in their power, and there could be no possible objection on that score.

Mr. HOPKINS. That power, of course, should be lodged somewhere, to protect these people along the lines of the streets where this consolidated company would extend its operations.

In the State of Illinois, for instance, there is not a city where

companies are allowed to string wires and place poles along the streets without the consent of the property owners abutting on the street. But if you consolidate the electric lighting companies and the gas companies under the operation of this bill, you have the power to do the very thing that I am objecting to, and for that reason, and for the other reasons I have suggested, it seems to me that my original suggestion should be followed.

I think the bill is fatally defective in these several respects and ought not to meet with the approval of this House.

Mr. BABCOCK. No overhead wires can be strung in the city of Washington under existing law.

Mr. PEARRE. The gentleman is aware, of course, that there are many amendments pending.

Mr. BABCOCK. I have stated already it would be entirely satisfactory to the Committee on the District of Columbia and to the gas company to eliminate that part of the bill so far as the purchase of any electric lighting plant is concerned. That is not a matter of importance in connection with the bill.

Now, Mr. Speaker, I do not understand that there was an interest that desired to be heard which was not heard in connection with the consideration of this matter.

Mr. NEWLANDS. I would like to ask the gentleman if he is willing also to strike out the provision giving to the Washington Gas Light Company the power to lay electric conduits?

Mr. BABCOCK. Certainly. We are willing to strike out everything relating to the purchase of the electric-light companies.

Mr. NEWLANDS. The gentleman from Maryland so stated, as I understood him.

Mr. PEARRE. I said so.

Mr. BABCOCK. That is correct, and I have myself prepared amendments to provide for just what the gentleman from Nevada has suggested.

Mr. HEPBURN. I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. HEPBURN. I understood the gentleman to say that he knew of no persons who objected to the provisions of this bill.

Mr. BABCOCK. I said that no persons asked to be heard before the committee upon it.

Mr. HEPBURN. I would ask the gentleman if he does not know that on every occasion, when the company has come to Congress asking the additional grants which this bill provides, the people of the District, when they knew of such a purpose, have asked to be heard and have objected and have insisted upon hearings over and over again. I ask the gentleman if he does not believe that there have been no fair opportunities for them to be heard in connection with this matter in this city; and if he does not know it to be a fact that there would have been protests before the committee against any grant of such power and new rights to the corporation, such as this bill proposes to grant to them, if opportunity had been given?

Mr. BABCOCK. Mr. Speaker, I will take it for granted that the gentleman has submitted what he intends as a question, but it is entirely misleading and does not give a correct understanding of the existing conditions. This bill, I will state to the gentleman, has been published day after day, and time and time again, in every newspaper in the District of Columbia. The bill was introduced on the 8th day of January, and there has not been any demand on the part of the citizens of the District to be heard in opposition to its provisions. It was not the intention of the Committee on the District of Columbia to object to any hearings that might be asked in connection with this matter. No requests have come to them for any such hearings; and the only opposition, as far as I have been able to understand it, has been on the ground that we should eliminate the electric lighting companies from this consolidation, and that provision of the bill, as I have already suggested, we propose to strike out by amendment.

Now, I want to say another thing to the gentleman from Iowa, that the statement that anybody ever came before the committee in opposition to the proposition of this company is not true; that I, as chairman of the District Committee, introduced the bill reducing the price of gas from \$1.25 to \$1 per thousand. We carried that proposition through the House. The price has been \$1.10 for the past five years, and will be \$1 a thousand after the 1st day of July. Has the gentleman from Iowa [Mr. HEPBURN] contributed in that direction to the people of the District of Columbia, whom he is so anxious to serve now?

Mr. HEPBURN. Well, I do not know just what the gentleman's question is or what the gentleman means.

Mr. BABCOCK. I mean that the Committee on the District of Columbia have, on one occasion, against strenuous opposition, reduced the charge for gas to the people of Washington, of their own motion, from \$1.25 to \$1 per thousand, and I want to say further that by the action of the Committee on the District of Columbia the price of electricity was reduced from 15 cents per thousand watt-hours to 10 cents, and the price of the electric lights on the streets from \$93.25 per annum to \$72 per annum. That is

the record of this committee as regards lighting in the city of Washington.

Mr. HEPBURN. Will the gentleman yield to me for a moment?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Mr. Speaker, I want to remind the gentleman that this House has, upon two occasions, passed bills reducing the price of gas to 75 cents a thousand. I recollect the fact that once before the gentleman's committee, or before one of the committees of Congress, there was an investigation where there was proof introduced showing that gas in this city could be produced at 50 cents a thousand; that by some means or other—

Mr. BABCOCK. I do not think the gentleman intends to misrepresent.

Mr. HEPBURN. No; I do not.

Mr. BABCOCK. But nothing of the kind has ever been shown before any committee of which I have been a member. I can give the gentleman the exact figures.

Mr. HEPBURN. I can produce the reports.

Mr. BABCOCK. Well, then, it was before my service.

Mr. HEPBURN. I can produce the reports wherein it was shown that that was so. Probably it was not since the gentleman has been chairman, because this controversy is a very old one. The people are under the impression that everything that there is of value represented by this company has been created out of the earnings of the company, with the exception of \$50,000, the original capital of the company.

Every betterment that has been made, every improvement has either been made out of the earnings of the company or out of the proceeds of the bonds of the company. This five or six million dollars, whatever it may be, represents the contributions of the people of this District, forced from them by this company, and it seems to me that I recollect that on all occasions when there has been a proposition to give to the company new and increased advantages the people of the District have been heard. I know of many occasions when gentlemen have come to me and come to other members representing their grievances, and I have understood they have gone before committees trying to be heard and being heard, and I have not a particle of doubt that if there was an opportunity given the people of this District they would be heard upon this matter.

But what chance have they had? The record shows that on the 17th of this month this bill was introduced. That was last Thursday. On the 19th of the month it was reported. That was last Saturday. The bill was laid upon our desks this morning, and that is the first information anyone has had about it. Under these circumstances, I submit, is it asking too much to ask that the bill may be recommitted to the committee and that there may be an opportunity for further hearing? I may be mistaken. Possibly no man cares about this matter at all. The people of this District may be willing that a capitalization of \$8,000,000 should be had.

Mr. MOODY of Massachusetts. Will the gentleman permit me to call his attention to the fact that the Commissioners object to this scheme of stock watering, for that is what it is.

Mr. BABCOCK. I should like to have the gentleman produce that objection.

Mr. MOODY of Massachusetts. I will. It is printed in your own report.

Mr. BABCOCK. Has the gentleman from Iowa finished his question?

Mr. HEPBURN. If you will permit me just a moment, under all these circumstances, is it unfair to ask that you take the bill back to the committee for another week?

Mr. BABCOCK. Mr. Speaker, in answer to the gentleman, I will say that the original bill was introduced January 8 instead of January 17, and if he will name one single citizen of the District of Columbia who wants to be heard on this bill I will ask to have it recommitted.

Mr. DALZELL. With the gentleman's consent, I will say that within fifteen minutes a very prominent citizen—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. BABCOCK. I do.

Mr. DALZELL. I say within fifteen minutes a very prominent citizen of the District of Columbia—

Mr. BABCOCK. Name him.

Mr. DALZELL (continuing). Has called me out and said that all he wanted was an opportunity to be heard, and that he had had no opportunity to be heard.

Mr. GROUT. Will the gentleman allow a question?

Mr. SIMS. I rise to a parliamentary inquiry. Has the time of the gentleman from Maryland expired?

The SPEAKER. The time of the gentleman has not expired. The gentleman has half a minute remaining. Three minutes were consumed in putting the Army reorganization bill into conference.

Mr. BABCOCK. Mr. Speaker—

The SPEAKER. The time of the gentleman from Wisconsin has expired. The Chair recognizes the gentleman from Tennessee [Mr. SIMS].

Mr. BABCOCK. Will the gentleman yield to me to make a motion?

Mr. SIMS. Yes; temporarily.

Mr. BABCOCK. Mr. Speaker—

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. SIMS. I wish to state my views on this matter.

Mr. BABCOCK. Mr. Speaker, as I said before, I desire to make a motion.

The SPEAKER. Does the gentleman yield for a motion?

Mr. BABCOCK. I ask the gentleman to yield me two or three minutes.

Mr. SIMS. Certainly.

Mr. BABCOCK. I will say, Mr. Speaker, in view of the fact that there seems to be a general misunderstanding that I have not been able to remove, and the serious questions of the gentleman from Iowa and their length, I will consent and ask that the bill be recommitted.

The SPEAKER. Does the gentleman from Tennessee yield the floor for the purpose of the gentleman from Wisconsin making that motion?

Mr. SIMS. Why, certainly. That ends the matter. I am opposed to the bill in its present shape.

The SPEAKER. The gentleman from Wisconsin moves to recommit the bill to the Committee on the District of Columbia—

Mr. GROUT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GROUT. To offer an amendment.

Mr. BABCOCK. I make the point of order that the amendment is too late.

Mr. GROUT. My amendment is to recommit with instructions.

The SPEAKER. The gentleman has the right to offer an amendment.

Mr. GROUT. I move to recommit to the Committee on the District of Columbia with instructions to report the bill back with this amendment:

*Provided further, That on and after July 1, 1902, the Washington Gaslight Company shall furnish gas to the people of the District of Columbia for 90 cents per 1,000 cubic feet, on and after July 1, 1903, for 80 cents per 1,000 cubic feet, and on and after July 1, 1904, for 75 cents per 1,000 cubic feet.*

I move that the committee be instructed to report back the bill with that provision.

Mr. BABCOCK. Mr. Speaker, this bill does not deal with the price of gas in the city of Washington, and the amendment is not germane to the bill.

Mr. DALZELL. It is.

Mr. GROUT. Mr. Speaker, we can instruct the committee when they are before the House to go out and bring in any sort of an amendment to the bill—to make the bill all over. The moment the committee, Mr. Speaker, comes before the House they are under the control of the House.

Mr. GROSVENOR. Will the gentleman allow me a word?

Mr. GROUT. Certainly.

Mr. GROSVENOR. This bill is seeking a franchise, and that is a condition of the franchise. That is all.

The SPEAKER. The Chair has not read the bill through, and the confusion of this morning made it almost impossible to hear it. Still the Chair sees that this is for the purpose of giving a franchise to this company, and here is a proviso:

*That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith as may be necessary.*

It seems to be a general bill regulating the gas business and this gas company, and the Chair is of the opinion that the point of order is not well taken, and that the instructions of the gentleman from Vermont are in order.

Mr. BABCOCK. I hope that will be voted down. I ask for the previous question.

The question was taken; and the previous question was ordered on the motion and amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Vermont to the motion to recommit.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the motion to recommit as amended.

The question was taken; and the motion to recommit as amended was agreed to.

PROVIDENCE HOSPITAL.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 13279.

The Clerk read as follows:

A bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution.

*Be it enacted, etc.,* That the directors of Providence Hospital are hereby authorized to erect additional buildings and make such improvements for hospital purposes as they may deem proper on square 764, city of Washington, District of Columbia, now owned and occupied by that institution, and for such purposes may mortgage or otherwise encumber said square to raise money for the buildings and improvements hereby authorized, and the limitation of value of real estate owned by Providence Hospital contained in the act approved April 8, 1864, is hereby removed.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, the object of this bill is to permit the directors of Providence Hospital to borrow money to make an addition to their buildings to provide for the increasing needs of the patients of that hospital. The reason for asking this is that in the act incorporating the hospital there was a limitation upon the holding of real estate, that act providing that the hospital should not hold real estate exceeding \$150,000. It is found that providing for these new buildings will require them to hold property aggregating, I apprehend, about \$250,000 or \$300,000, or perhaps more in value. It is feared that in the present status of the law as applicable to that institution they might not be able to borrow the money, as money lenders might be afraid of a possible cloud on the title because of this limitation upon their capacity to acquire and hold. Under an act of 1866, being the act of that year making provisions for civil expenses of the Government, \$30,000 was appropriated to aid in the construction of one of the buildings of this institution.

That act provided that in case the property should ever be sold or diverted from the uses for which the institution was incorporated, there should be a lien upon the proceeds of said property in favor of the Government to be satisfied in advance of all other claims. I have prepared an amendment to preserve that, and with that amendment I think there will be no objection to the bill. I have sent the amendment to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maryland.

Mr. MUDD. It is a committee amendment.

The Clerk read as follows:

Amend by adding as follows:

*Provided, That nothing in this act shall be so construed as to divest or impair any lien against any of said property or claim to any part of the proceeds of the same in favor of the Government of the United States in case the same shall be sold or diverted to other uses that may have been created by act of Congress approved July 28, 1866, entitled 'An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes,' or by any other act making appropriations for said hospital.'*

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

#### STREET RAILROAD TRACKS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I move that the bill S. 3205, an act for the relocation of certain tracks of street railways in the District of Columbia, be re-referred to the Committee on the District of Columbia.

The SPEAKER. The gentleman from Wisconsin moves that Senate bill 3205 be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

#### POWERS OF COURTS OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 13067, to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the judges of the criminal and police courts of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Children's Guardians of the District of Columbia children under 17 years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Children's Guardians shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

SEC. 2. That no court shall commit a child under 17 years of age to a jail, workhouse, or police station, but if such child be unable to give bail or pay a fine, it may be committed to the Board of Children's Guardians temporarily or permanently, if the discretion of the court, and said board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the Reform School under the laws now providing for such commitment.

SEC. 3. That for the purpose of aiding the court in a proper disposition of cases referred to in section 1 the Board of Children's Guardians is hereby authorized and directed to designate one of its employees as a probation officer, whose duty shall be to make such investigation in cases involving children under 17 years of age as the court may direct, to be present in court in order

to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court.

SEC. 4. That all cases involving the commitment of children as public dependents, or the trial of children under 17 years of age for any violation of law in any police or criminal court, and all cases involving offenses against the person of such children shall be held and determined by such court at suitable times and places to be designated therefor by it, separate and apart from the trial of other cases.

SEC. 5. That all acts and portions of acts inconsistent with the provisions mentioned above are hereby repealed, and the terms of the provisions in the above sections shall become law on and after the date of approval.

With the following amendments recommended by the committee:

Page 1, line 14, after the word "age," insert the following: "charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment."

Page 2, strike out all of section 4.  
Number section 5 as "section 4."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken; and the amendments were agreed to.

Mr. FITZGERALD of New York. Mr. Speaker, I would like to ask the chairman of the committee a question.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. BABCOCK. I do.

Mr. FITZGERALD of New York. This bill provides for the placing of children in homes by contract. I would like to inquire whether it provides that children of a certain religious faith shall be placed in homes and educated by families of that faith?

Mr. PEARRE. No; there is no provision in the bill that such children shall be placed in homes of the same religious faith. There is a bill of that sort pending now before the Committee on the District of Columbia. This simply amends the act of 1892, which was an act incorporating the Board of Children's Guardians, and the purpose of this bill is to increase the age from 16 to 17 of children who shall come under the provisions of the authority of this board, and to increase the jurisdiction of the courts in committing to the care of the Board of Children's Guardians children of certain classes, which are enumerated.

Mr. FITZGERALD of New York. This provision I speak about has been enacted into law in several States and is found to work satisfactorily. If the gentleman says a measure of that kind is now being considered by his committee, I have no disposition to amend this; but if not, I think the gentleman ought to accept an amendment which would compel that to be done.

Mr. BABCOCK. That matter referred to by the gentleman from New York is being considered in another bill now before the committee.

The SPEAKER. The question is on ordering the bill to be engrossed.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. PEARRE, a motion to reconsider the last vote was laid on the table.

#### ADVANCES FROM THE TREASURY OF THE UNITED STATES.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 12371, to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter the Secretary of the Treasury is authorized and directed to advance to the disbursing officer of the District of Columbia, in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided, That nothing contained herein, nor in the act of June 6, 1900, entitled "An act to regulate the collection of taxes in the District of Columbia," shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia, except in cases where the terms of the appropriation under which such advances are made shall expressly provide for payment jointly by the United States and the District of Columbia.*

with the following amendment recommended by the committee:

Page 1, line 8, after the word "District," add the following, "as provided by Congress."

Mr. JENKINS. Mr. Speaker, I desire on the part of the committee to offer two amendments. I desire to say that the amendments which I offer are to bring the bill into harmony with the ideas of the Committee on Appropriations, and when the amendments are adopted that committee have no objection to it.

The SPEAKER. The Chair will first submit the amendment mentioned in the committee report.

The committee amendment was agreed to.

The SPEAKER. The gentleman from Wisconsin submits the following amendment by direction of the committee, which the Clerk will report.

The Clerk read as follows:

On page 1 strike out lines 3 and 4 and down to and including the word "Columbia" in line 5 and insert the following: "That until and including June 30, 1902, the Secretary of the Treasury is authorized and directed to advance on the requisition of the Commissioners of the District of Columbia made."

The amendment was agreed to.

Mr. MUDD. I would like to ask the chairman of the committee whether he does not think that the language "street extensions," in line 5 of page 2, may be too broad. Might it not be construed to cover the cost of improvements as well? If the chairman of the committee is satisfied on that point, I have no desire to offer an amendment.

Mr. BABCOCK. There is no question about that, for the simple reason that the Committee on Appropriations reports specific appropriations for every dollar spent.

Mr. MUDD. And the gentleman thinks that would not involve the cost of improvements?

Mr. BABCOCK. No.

The Clerk read the following amendment, offered by Mr. JENKINS:

After the word "Columbia," in line 8, page 2, insert:

"Provided, That all advances made under this act and under the said act of June 6, 1900, not reimbursed to the Treasury of the United States on or before June 30, 1902, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, beginning July 1, 1902, in four equal annual installments, at the rate of 2 per cent per annum."

Mr. MUDD. I desire to move an amendment to the amendment of the committee. I move to strike out the words "with interest at 2 per cent per annum." I ask the chairman of the committee whether there is any objection to that amendment?

Mr. BABCOCK. So far as I am personally concerned, I have no objection; but there was an agreement between the committee and several members of the House that there would be no objection to the passage of the bill if this amendment now submitted on behalf of the committee should be adopted. The proposition of the gentleman from Maryland [Mr. MUDD] is to strike out certain words of this amendment, and under the circumstances I can not agree to that.

Mr. MUDD. Just one word. I have no disposition to antagonize the committee, nor do I desire to be heard at any great length on my amendment to the amendment, but I think my amendment ought to prevail.

My amendment, if adopted, would simply relieve the government of the District of Columbia from the payment of interest at 2 per cent per annum. This may appear to be a small matter, but in my judgment it is important in principle. Years ago, if I am not mistaken, the cost of street extensions, including the cost of condemnation proceedings and the amount of damages awarded, was borne conjointly by the District of Columbia and the United States Government. In my opinion that is the proper policy and the only policy that is in accordance with the provisions of the organic act of 1878.

Now, the Committee on the District of Columbia thought it well within the last year or two to require the District government to pay one-half of the cost of condemnations for street extensions and to place the other 50 per cent of the cost upon the abutting owners—the owners benefited by the opening of the street. And this proposition, I am frank to say, seems to me not altogether inequitable. To that plan the District government, on its own account as a municipality, can have, in my judgment, no serious objection, inasmuch as no additional cost over that of years ago, before this change of policy was adopted, is placed upon that government.

But, Mr. Speaker, it has been found that while the District government has paid out the total cost of these condemnation proceedings, including compensation for the lands taken, yet when the proceedings are through the Government has to wait a considerable time—it may be several years—before it recoups that 50 per cent expenditure by getting back the 50 per cent assessed as benefits upon the abutting land owners. All the bills for street extensions passed at the last session of Congress—and there were many of them—involved an expenditure of about \$2,000,000, I believe, and through this departure from the former policy an additional and unexpected expenditure of a million dollars, to be paid out of the revenues of the District of Columbia, which has brought about a deficit in those revenues.

The question as to the constitutionality of assessing an arbitrary percentage upon the abutting owners went to the courts of the District, and the court of appeals in a recent decision has declared that that provision, found in almost all of our street-extension acts, was unconstitutional. As a result, the condition confronting the District government to-day is that while it has had to pay the cost of the lands for all these street extensions, it will possibly have to wait many years before it can get back that 50 per cent intended to be imposed upon the abutting land owners.

Since that decision, which is now pending on appeal before the Supreme Court of the United States, we have adopted the policy

of providing that unless the benefits assessed upon the abutting landowners shall amount to 50 per cent of the whole cost, then the extension shall not be had, the street shall not be opened. I apprehend there will be no objection to such a provision upon the score of constitutionality. But inasmuch as we have made a radical departure in the method of paying those expenses, it seems to me that the District government should not be obliged to pay interest upon the advances made by the Government of the United States to meet this unforeseen and unexpected condition, and to tide over the time until the Government shall receive from the abutting landowners this one-half of the cost.

I do not apprehend that there can be much objection to this. For my own part, I do not think it looks quite well to see the United States playing the part of money lender to the District for profit under these circumstances. The revenues of the National Government are abundant for all purposes. The revenues of the District of Columbia, on the other hand, are somewhat cramped, and inadequate to meet the running expenses of the District, and it looks like a somewhat harsh policy for the Government to require the District to pay interest even at a low rate under the conditions in which the District is placed because of these expensive street extensions forced upon it by the National Government. It is like a guardian lending money to his ward and charging interest for the money to pay expenses that should come out of the trust fund.

I do not think the Committee on the District of Columbia have much objection to this proposition, and I do not believe the House, if it fairly considers the matter, will object to it, either.

Mr. SIMS. The gentleman from Maryland says that he does not think the committee has much objection to it. I would ask him if it is not a fact that I myself insisted upon 3 per cent—

Mr. MUDD. I do not wish to be misunderstood in my statement, Mr. Speaker, nor do I wish to put any gentleman in a false attitude with reference to the matter. I have been merely stating my own impressions upon it. I am unable to say exactly what position the gentleman took in connection with the matter.

Mr. JENKINS. Now, Mr. Speaker, I wish to say to my friend from Maryland and to the members of the House that the Committee on the District of Columbia is in honor bound to oppose the amendment which the gentleman from Maryland insists upon offering in connection with this proposition.

When the question was originally before the committee I voted in favor of the amendment, and personally I am of the belief this morning that the bill should be reported without interest. But this bill, Mr. Speaker, depends largely upon the action of the Committee on Appropriations, and I was influenced in my vote and in my judgment, the morning the District Committee considered it, by the information that the Committee on Appropriations favored the appropriation of the money without interest.

But, Mr. Speaker, after the bill was reported to the House the Appropriations Committee called the attention of the District Committee to the fact that that committee was opposed to the bill as reported, and after a conference between the members of the Appropriations Committee and District of Columbia Committee the amendment, as introduced by myself this morning and now pending, was agreed upon by the committee and it was sent to the desk as a committee amendment, after having agreed with the Committee on Appropriations that we would offer the amendment and stand by it. The Committee on the District of Columbia this morning can not violate that agreement and support the amendment of the gentleman from Maryland.

Mr. MUDD. Will the gentleman yield to me for a question?

Mr. JENKINS. Certainly.

Mr. MUDD. There is no question of misunderstanding here, Mr. Speaker. I certainly knew nothing whatever of any such agreement as that suggested by the gentleman. I understood, of course, that the bill as originally drawn was obnoxious to the Subcommittee on Appropriations, but I did not understand that there had been anything in the shape of an agreement with reference to the amendment which has been suggested. I am endeavoring to express the views of my own committee and not those of some other committee.

Mr. JENKINS. This was the unanimous action of the committee, instructing that the amendment be offered and, if possible, adopted.

Mr. MUDD. I knew nothing whatever of that.

Mr. HOPKINS. Mr. Speaker, it has been stated within a day or two that the cause of this deficit of a million dollars in the revenues of the District grows out of the fact that no tax has been collected on personal property here. I am not advised as to whether that statement is correct or not, and I would like to ask a statement of the facts as to whether they do collect such tax on personal property, such as is collected in the States of the Union on similar property.

Mr. JENKINS. Mr. Speaker, I may say, in response to the gentleman from Illinois, that whatever I may say in answer to his question is only based on information generally obtained, and not

from an investigation of the subject. As I understand it, they do attempt to collect a personal-property tax here as is elsewhere collected throughout the country, but there is no question but that a large part of the personal property in the District of Columbia seems to escape this taxation by some means. I do not think, however, that the deficit is caused by that alone, and, as a matter of fact, we are not advised in detail as to the cause of this deficit.

Mr. HOPKINS. Can the gentleman point out the causes, if any exist, for not collecting a proper tax on personal property in the District?

Mr. JENKINS. No; I can not. It must be that the officers have had the same difficulty here as in other places.

Mr. HOPKINS. Are these the officers who recommend that the money be advanced to the District under the provisions of this bill?

Mr. JENKINS. No. The officers making the assessment and the tax collector are the persons to whom the gentleman refers. But this report is from the Commissioners of the District.

Mr. HOPKINS. Then I ask the gentleman a further question, because I have not served on the District Committee and have not been able to inform myself on these facts, as the gentleman has been enabled to do. But I wish to ask who appoints the officers or persons who make the assessment and are supposed to collect the tax on personal property?

Mr. JENKINS. They are appointed by the Commissioners of the District of Columbia.

Mr. HOPKINS. And the Commissioners are the ones who come here asking for this \$2,000,000 to be advanced by the General Government?

Mr. JENKINS. Yes; they recommend it very strongly.

Mr. HOPKINS. Then, if the Commissioners had done their duty and appointed able and efficient assessors of property this deficit would not have existed?

Mr. JENKINS. Yes, it would, just the same, I think.

Mr. HOPKINS. That is what I want to know.

Mr. BABCOCK. It is not on account of the noncollection of taxes, but it is for the reason that Congress has not appropriated the money that there is a deficit. In the first place, we do not expect that there will be any deficit in the end, and there is no necessity to make any permanent loan. Revenues due the District, amounting to about a million dollars, are held up by the courts at the present time, and are pending in the Supreme Court of the United States. This was brought about by the street-opening cases.

Mr. HOPKINS. Mr. Speaker, in view of what the gentleman from Wisconsin [Mr. JENKINS] has said about the failure of duty of those whose business it is to assess the personal property of the District, I would like to know if any action has been taken, or if any action is contemplated, on the part of the Committee on the District of Columbia to provide some method by which the personal property of the District shall be taxed the same as the real property of the District?

Mr. JENKINS. I will say to the gentleman from Illinois that my judgment is, and I so expressed myself to the officers of the District recently, that the law is ample; but personal property escapes its just proportion of the taxes here, as it does everywhere, because it is so extremely difficult to find it. A man will go to church and bow his head and worship God when the minister prays and go before the board and commit perjury to get rid of paying his taxes. Men are so averse to paying taxes. Human nature here is the same as elsewhere.

Mr. HOPKINS. Are there any instances where the Commissioners have prosecuted such a man for perjury?

Mr. JENKINS. I am not familiar with that; but we discover everywhere that people will try to escape taxation, just as they try to escape death, and they are more successful in the one case than in the other. [Laughter.]

Mr. COWHERD. Will the gentleman yield to me?

Mr. JENKINS. I will yield to any gentleman who desires to ask a question in good faith.

Mr. COWHERD. With the gentleman's permission, I should like to make a statement on that, because, as the information has come to me, I do not think the gentleman has done entire justice to some officers of the law. As I understand it from my investigation of this matter, there is practically a very small collection of taxes on personal property in the District of Columbia. The sum of \$188,000 is all that is paid in in such taxes. Of that amount all but \$50,000 comes from the assessment upon insurance companies and other corporations incorporated by act of Congress, and which companies pay the per cent on their receipts as provided by Congress. Practically \$50,000 is all that is collected upon all the ordinary personal property in the District of Columbia, including all classes of credits, mercantile stocks, and all other kinds of personal property.

Now, when this matter was first brought up on the floor of the House some years ago the statement was made that it was a mistake and that personal property was taxed. The next time the

matter was brought up it was claimed that the law did not regulate it, and now it is practically an open and understood fact that persons in authority—and by that I do not mean the assessors or collectors of taxes—that some of the Commissioners of the District and many of the most influential citizens of the District do not believe in the collection of taxes on personal property in this District. They want to make the District a sort of harbor of refuge for men who have large holdings of personal property, and who will escape the payment of taxes at home by coming here and building magnificent residences and making this a residence city. I want to say that I think that ought to be remedied by Congress, and that property of all kinds should be taxed here as elsewhere. I do not know whether there need be any legislation in order to regulate it or not.

The District Commissioners, in February, 1900, prepared a bill to be introduced in Congress providing for a system of assessment and collection of taxes on real and personal property and the regulating of licenses. Shortly after that there was a change, as I have been told, in the personnel of the Board of Commissioners, and the bill was never introduced. It was published in the papers, but was never introduced. Without considering that bill particularly as to details, I discovered this the other day and introduced the measure. I think Congress ought to take that matter up and regulate it; but it is a matter of great importance which can not be done on the spur of the moment. I do not think it ought to be done with reference to this particular bill; that is, to defeat this bill, as I have been told that this is a measure of great importance, and with the amendment limiting the borrowing of this money to one year and providing for the repayment of it from the revenues of the District, it seems to me as a proper bill which should pass.

But I am heartily in sympathy with the objections and suggestions made by the gentleman from Illinois [Mr. HOPKINS] that personal property in the District of Columbia should bear its proportionate tax, and I really believe the fault is not so much in the officers who have charge of the assessment and collection of taxes as it is in the officers who control the policy of the District of Columbia.

Mr. SIMS. I wish to ask my colleague one question on this. It has been stated that there is a sentiment here among the rich and influential people in opposition to levying and collecting taxes on personal property, as an inducement to get rich men who want to escape taxes at home to move here and thereby escape taxation.

Mr. COWHERD. I think that is true. That is one of the reasons for the present system.

Mr. KING. I want to ask my friend how long this deficit has been growing?

Mr. JENKINS. Oh, for a long time.

Mr. KING. If there has been a deficit, which now amounts to \$2,000,000, why have not the officials of this municipality, anticipating this deficit, increased the levy of taxes so as to provide against it?

Mr. JENKINS. Well, if the gentleman will read the report of the committee, I think he will find they have very carefully answered that question.

Mr. KING. What steps have they taken?

Mr. JENKINS. I can not answer for the Commissioners. They are not here.

Mr. KING. What steps have the Commissioners taken in order to pay back this amount which they are now borrowing?

Mr. JENKINS. That question is answered in the report. The facts are carefully set forth in the report.

Mr. MCCLARY. There is a surplus of the ordinary revenues that will cover that.

Mr. SHAFROTH. If the gentleman will permit me, I notice that this bill proposes to lend \$2,000,000 out of the National Treasury funds to the District of Columbia. Is there any means provided in the bill for increasing the revenues of the District so as to repay that loan?

Mr. JENKINS. There will be no question about the means of its being paid. After the collection of the taxes there will be no deficit. This is to anticipate any deficit and provide against any such contingency.

Mr. SHAFROTH. It is very difficult to get any money back to the United States when it has once been appropriated. It seems to me provision ought to be made in the bill for the repayment.

Mr. JENKINS. I just want to say to my colleague and the House, in reference to this question of taxing personal property, that there is no one on the Committee on the District of Columbia more in favor of personal property paying a just proportion of tax than I am, and if any gentlemen in the offices of the Commissioners are shutting their eyes to a failure of the assessor to do his duty I am not familiar with it. I have talked with several gentlemen interested in the matter, and I find it is just as difficult to collect taxes on personal property here as elsewhere. I am in favor of it myself. The Commissioners and the gentlemen representing the District in this matter have done their duty as

best they can. We have been assured by those gentlemen, speaking for the District, that they have tried their very best to collect taxes on personal property. There are a number of gentlemen in the District that favor the proposition that personal property shall not pay any tax whatever. I am not one of them. I have always opposed and do not know of any attempt pending on the part of the District government to pass any such legislation. I know it will not receive favor in the committee.

Now, Mr. Speaker, I will ask for a vote.

Mr. MONDELL. If the gentleman will allow me a moment. The gentleman says that the government of the District has made an effort to collect a tax on personal property. Why is it that the District government finds it impossible to collect taxes on personal property?

Mr. BABCOCK. It is invariably the case, I fear, that it is not collected anywhere in the country. The universal experience is that it is very difficult to collect taxes on personal property, and gentlemen from almost every State in the Union have spoken before the subcommittee and all expressed themselves the same on this point. It is extremely difficult to do it.

Mr. MONDELL. Do you say that personal property is not assessed?

Mr. JENKINS. That question is not involved in this bill.

Mr. MONDELL. I am simply asking for information on the subject.

Mr. JENKINS. Mr. Speaker, I will ask for a vote on the amendment of the gentleman from Maryland.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Maryland.

Mr. McCLEARY. Mr. Speaker, I ask consent for a moment.

The SPEAKER. Does the gentleman yield?

Mr. JENKINS. I do.

Mr. McCLEARY. As I understand it, Mr. Speaker, this deficiency is not due to a deficiency in the revenues as compared with the expenditures. The ordinary revenues of the District are more than sufficient to pay the ordinary expenses of the District. The deficiency arises from a change in policy, under which the income of the District was not sufficient for the time being. It is merely a temporary deficiency.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Maryland to the amendment offered by the gentleman from Wisconsin on behalf of the committee.

Mr. BABCOCK. Which is a committee amendment, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment to the amendment again for the information of the House.

The Clerk read as follows:

Strike out "with interest at the rate of 2 per centum per annum."

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. The question is now on the amendment offered by the committee, through the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### WATER-MAIN TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 13706.

The Clerk read as follows:

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

*Be it enacted, etc.,* That hereafter, whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax therefor authorized by law shall be assessed within thirty days after such water main or mains shall have been laid, and the owner or owners affected by this assessment or tax shall be notified that the same has been assessed, by a notice which shall be served upon the owner of the lot or parcel of land to be assessed if he or she be a resident of the District of Columbia and his or her residence known. If the owner be a nonresident, or his or her residence unknown, the notice shall be served on his or her agent or tenant. The service of such notice where the owner or his or her agent or tenant resides in the District of Columbia shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing and filed in the office of the Commissioners of the District of Columbia.

If there be no agent or tenant known to said Commissioners, notice of such assessment shall be given by the officer designated by the Commissioners to perform that duty under authority vested in them by an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898, by advertisement once a week for two successive weeks in some newspaper published in said District. Water-main assessments or taxes shall be payable in three equal installments, the first of which shall be payable without interest within thirty days from the date of such service or of the last publication of said notice, as the case may be; the second within one year, and the third within two years from the date of such service or of the last publication of said notice; and interest at the rate of 6 per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of such service or of the last publication of said notice.

In said publication of said notice each several piece of property shall be described in a separate paragraph.

The cost of publication of the notice herein provided for shall be added to the amount of said assessment and collected in the same manner that said assessment is collected.

SEC. 2. That all laws or parts of laws inconsistent herewith are hereby repealed.

Mr. JENKINS. I ask for a vote on the bill, Mr. Speaker.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### SUBDIVISION OF PENCOTE HEIGHTS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of Senate bill 1996.

The bill was read, as follows:

A bill (S. 1996) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia.

*Be it enacted, etc.,* That the subdivision of Pencote Heights, in the District of Columbia, be, and the same is hereby, revoked and annulled.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 122) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of an act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, be, and the same is hereby, amended so that the same shall read:

"That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance for trial or for further hearing either by giving bond to the satisfaction of the court or by depositing money as collateral security in such amount as the court, the assistant attorney for the United States, the special assistant attorney for the District of Columbia, or the lieutenant or acting lieutenant of police of the precinct in which the person is detained may determine with the clerk of the police court, or the lieutenant or acting lieutenant of police, or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money.

"And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both: *Provided,* That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policeman's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court."

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BABCOCK. Mr. Speaker, of the two Senate bills, the one just passed and the preceding one, I move to reconsider and to lay that motion on the table.

The SPEAKER. The gentleman from Wisconsin moves to reconsider the votes by which the last bill was passed and the one by which the preceding one was passed, and lay those motions on the table. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. Mr. Speaker, I now enter a motion to reconsider the vote by which House bill 13660 was recommitted with instructions to the Committee on the District of Columbia, and I will call that motion up later.

The SPEAKER. The Chair desires to call the attention of the gentleman from Wisconsin to Rule XVIII, clause 2, in respect to a motion to reconsider a bill sent to a committee; but inasmuch as there is no ruling demanded of the Chair at this time, the Chair will look into it further in case the point of order should be made.

#### CLOSING OF AN ALLEY IN WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 11648) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington.

The Clerk read the title to the bill.

Mr. BABCOCK. Mr. Speaker, since this bill was placed on the House Calendar the Senate has passed a bill the exact duplicate

of it, and I ask that the Clerk read the bill S. 4816, and that it be substituted for the House bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the substitution of Senate bill, it being identically the same, and the Clerk will read the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia are hereby authorized and directed, on the petition of the Young Men's Christian Association of the city of Washington, the owner of all the property abutting on that part or portion of an alley 30 feet wide in square No. 169, in the city of Washington, D. C., and running east and west through said square for a distance of 89.83 feet, to declare said part or portion of said alley to be closed, and to convey the title thereof to the said Young Men's Christian Association of the city of Washington by deed in fee simple in the name of the United States (the said Commissioners being hereby vested with power and authority so to do) upon payment to said Commissioners by said association of a price per square foot in current money of the United States equal to the assessed valuation per square foot of subplot No. 59 in said square No. 169, according to the most recent assessment of said last-mentioned lot, which said deed of conveyance, upon its execution and delivery and the payment of such purchase price aforesaid, shall operate to divest the United States of their title in the land so conveyed and vest the same in the said Young Men's Christian Association of the city of Washington. And it is further enacted that said Commissioners, upon receipt of the purchase money, shall cover same into the Treasury of the United States.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, House bill 11648 will lie on the table.

There was no objection.

#### PROTECTION OF BIRDS, ETC., DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia."

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That sections 1 and 3 of an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia," approved March 3, 1896, be, and they are hereby, amended to read as follows:

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any partridge, otherwise quail, between the 1st day of February and the 1st day of November, under a penalty of \$5 for each partridge, otherwise quail, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any woodcock between the 1st day of January and the 1st day of July under a penalty of \$5 for each woodcock killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall expose for sale or have in his or her possession, either dead or alive, any prairie chicken, otherwise pinnated grouse, between the 1st day of February and the 1st day of September, under a penalty of \$5 for each prairie chicken, otherwise pinnated grouse, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild turkey or ruffed grouse, otherwise known as pheasant, between the 28th day of December and the 1st day of November, except the English, ring-neck, or other pheasants of foreign origin hatched and raised in farm poultry inclosures, under a penalty of \$5 for each wild turkey or ruffed grouse, otherwise known as pheasant, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any squirrel or rabbit except the species known as the English rabbit, between the 1st day of February and the 1st day of November, under a penalty of \$2 for each squirrel or rabbit killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than three months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, brant, snipe, or plover between the 1st day of April and the 1st day of September, under a penalty of \$5 for each wild duck, wild goose, brant, snipe, or plover killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, between the 1st day of February and the 1st day of September, under a penalty of \$2 for each water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than six months.

"SEC. 3. That for the purposes of this act the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant, river and sea ducks; the Rallidae, commonly known as rails, coots, mud hens, and gallinules; the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails, and the species of Icteridae, commonly known as marsh blackbirds and reed birds or rice birds.

"That no person shall kill, catch, expose for sale, or have in his or her possession, living or dead, any wild bird other than a game bird, English sparrow, crow, Cooper's hawk, sharpshinned hawk, or great horned owl; nor rob the nest of any such wild bird of eggs or young; nor destroy such nest ex-

cept in the clearing of land of trees or brush, under a penalty of \$5 for every such bird killed, caught, exposed for sale, or had in his or her possession, either dead or alive, and for each nest destroyed, and in default thereof to be imprisoned in the workhouse for a period not exceeding thirty days: *Provided*, That this section shall not apply to birds or eggs collected for scientific purposes under permits issued by the superintendent of police of the District of Columbia in accordance with such instructions as the Secretary of the Smithsonian Institution may prescribe, such permits to be in force for one year from date of issue and nontransferable.

"That no person shall trap, net, or ensnare any waterfowl or other wild bird (except the English sparrow), or have in his or her possession any trap, snare, net, or illuminating device for the purpose of killing or capturing any such bird, under a penalty of \$5 for each waterfowl or other wild bird (except the English sparrow) killed or captured, and in default thereof to be imprisoned in the workhouse not exceeding thirty days."

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment recommended by the committee.

The Clerk read as follows:

Insert, in line 7, page 3, after the words "English rabbit," the words "Belgian hare."

The amendment was agreed to.

Mr. JENKINS. Now, Mr. Speaker, I desire to submit an amendment on my own responsibility.

The SPEAKER. The gentleman from Wisconsin offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill the following:

"*Provided*, That this act shall not apply to birds or animals heretofore stuffed or to birds and animals heretofore killed in open season and subsequently stuffed."

Mr. JENKINS. I desire to say that that amendment is offered at the request of a large number of residents of Washington who feared if the bill became a law without the amendment it might make them amenable to it for keeping or having in their possession stuffed animals.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

#### DEWEY HOTEL COMPANY.

Mr. BABCOCK. I ask the present consideration of the bill (H. R. 13039) authorizing the Dewey Hotel Company to erect and maintain an electric and steam conduit in Stanton alley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Dewey Hotel Company be authorized to construct and maintain, at its own expense, a conduit from the Dewey Hotel to the rear of house 1008 Thirteenth street NW., 216 feet on Stanton alley, to supply electric current and steam from the Dewey Hotel, said conduit to be constructed and maintained under the direction of the Commissioners of the District of Columbia.

The amendments reported by the committee were read, as follows:

Line 8, insert, after the word "maintained," the words "by the Dewey Hotel Company."

Line 9, insert, after the word "the" where it appears at the beginning of the line, the words "supervision and."

Mr. HEPBURN. I would like to ask the chairman of the committee a question in connection with this bill. Suppose that this bill should become a law and also the bill which we recommended a while ago, might not the Washington Gaslight Company, by acquiring control over the Dewey Hotel Company, have the right to make conduits in the streets of this city?

Mr. BABCOCK. The authority given by this bill is limited to a certain alley.

Mr. HEPBURN. I know it is; but it proposes to authorize a company to make conduits.

Mr. BABCOCK. The only authority granted is to lay a conduit from the Dewey Hotel to the rear of the house 1008 Thirteenth street NW. This is Nat McKay's hotel; and the bill simply gives him authority to lay an electric lighting and heating plant connecting the Dewey Hotel with his property on Thirteenth street.

Mr. HEPBURN. I understand all that.

Mr. BABCOCK. This simply allows an electric connection between those two houses.

Mr. HEPBURN. I am not objecting to the bill at all, but I want to know whether, if this bill should pass, it does not give such rights in the way of laying conduits that if the Washington Gaslight Company should acquire the rights under this bill it would have the right to lay conduits in this city?

Mr. BABCOCK. This simply gives authority for this hotel company to lay a conduit in Stanton alley—nowhere else.

Mr. HEPBURN. Certainly; but it gives this hotel company the right to lay conduits.

Mr. GROSVENOR. A conduit 20 feet long.

Mr. HEPBURN. I do not care whether it is only 2 feet long, if it gives them the right to lay conduits.

Mr. BABCOCK. It might just as well be assumed that this bill would give the right to lay conduits in the city of Chicago. I certainly do not think it would give any company such authority as the gentleman from Iowa [Mr. HEPBURN] speaks of.

Mr. HEPBURN. That is all I wanted to know.

Mr. BABCOCK. We certainly would not have reported the bill if we had thought it would have any such effect.

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

#### ADDITIONAL FORCE AT WORKHOUSE AND ALMSHOUSE.

Mr. BABCOCK. I desire to call up the bill (H. R. 30607) to provide additional force at the workhouse and the almshouse, District of Columbia. This bill is on the Union Calendar. I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MOODY of Massachusetts. Let the bill be read.

The bill was read, as follows:

*Be it enacted, etc.,* That the force at the workhouse and almshouse, District of Columbia, be increased as follows: Six overseers, at \$900 per annum, and 5 watchmen, at \$365 per annum, said watchmen to be furnished with board, at an estimated cost of \$150 per annum.

There being no objection, the House proceeded to consider the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BABCOCK. Mr. Speaker, that is all the business that the committee desires to submit to-day.

#### HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. WHITE. By direction of the Committee on Military Affairs, I move to suspend the rules and pass with an amendment House bill 10305.

The bill was read, as follows:

A bill (H. R. 10305) to provide a home for aged and infirm colored people.

*Be it enacted, etc.,* That the sum of \$100,000, out of all moneys, arrears of pay, and bounty which are due the estates of deceased colored soldiers who served in the late civil war, and which were in the hands of the Commissioner of the Freedmen's Bureau and have been repaid into the Treasury, and for which no claim or claims have been or shall hereafter be made, filed, or presented prior to the 1st day of January, 1901, on and after which date all such claims not so filed and presented shall, and are hereby declared to be, effectually, absolutely, and forever barred, be, and is hereby, appropriated, out of any such money in the Treasury of the United States not otherwise appropriated, for the purpose of erecting a national memorial home for aged and infirm colored people and to aid in maintaining the inmates of the same, the building or buildings for said home to be erected in the District of Columbia upon the lands owned by the association known as The Home for Aged and Infirm Colored Persons, a corporation duly incorporated under and by virtue of the incorporation laws of the District of Columbia: *Provided*, That no money shall be paid to said association under the provisions of this act until the Attorney-General of the United States shall have reported to the Secretary of the Treasury, after proper investigation, that such association is legally incorporated for the accomplishment of the purposes specified in this act, nor until the deed for said property shall have been approved by such Attorney-General, nor until the association shall have given good and sufficient bond, to be approved by such Attorney-General, conditioned upon the faithful discharge of their duties in the proper expenditure of the above-mentioned fund: *And provided further*, That no claim or obligation upon the United States for any appropriation of money for the support or endowment of said institution shall ever be asserted against the United States; nor will the United States recognize any obligation growing out of this act other than the duty of supervision specifically provided for herein; and the corporation aforesaid is hereby authorized to receive donations and gifts of endowment from benevolent and charitable purposes and other sources.

SEC. 2. That the plans and specifications for the buildings to be erected for said home shall be submitted and be subject to the approval of the Secretary of War; and the Secretary of the Treasury is authorized and directed to pay the money hereby appropriated to the association known as The Home for Aged and Infirm Colored Persons in the manner provided for and upon the fulfillment of the terms of this act: *And provided further*, That the Attorney-General shall have certified that the organization and constitution of the association afford reasonable security that the money hereby appropriated will be fully, wisely, and economically expended for the purposes set forth, and that no more than the amount certified by the Attorney-General to be reasonable shall have been expended for the work and materials provided, employed, and used in such part of the construction and erection of said building as may, in each case, be certified to by said Attorney-General; and that the association shall make annual reports of all its receipts and expenditures to the Secretary of the Treasury, to be by him communicated to Congress, and the Secretary shall have and exercise visitatorial powers over said association.

SEC. 3. That all other moneys being a part of or belonging to such arrears of pay and bounty, and prize money and other allowances that are due the estates of deceased colored soldiers who served in the late civil war, be, and are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be invested as an endowment fund for the national memorial home for aged and infirm colored persons of the United States, with the exception of so much money as may be held to pay off all or any claims that may be proven against such fund, which shall be determined by the law governing the settlement of those claims which shall be presented before January 1, 1901, all claims which shall be presented after that date being hereby barred: *Provided*, That all the States in these United States shall have the right to organize one or more similar associations, and that such of the members of said similar associations as this present association shall from time to time determine may become members of the association known as The Home for Aged and Infirm Colored Persons of the United States by complying with the requirements of the association; and that any such similar association now existing, or that may be formed hereafter, shall have the right to place in the institution or on the grounds of the institution any memorial of deceased colored soldiers or representative colored men, or of such other representative men as the association shall determine to have been benefactors of the colored people, providing that all such memorials are in harmony with such institutions, by and with the consent of the trustees of the national memorial home for aged and infirm colored persons of the United States, and provided that the Secretary of War, Secretary of the Treasury, and the Attorney-General of the United States shall constitute a board which shall have and exercise supervision over the expending and in-

vestment of the said fund, and that all vouchers must be certified by the Attorney-General before any money is drawn from the Treasury, and the money only taken from the Treasury by such vouchers as the work progresses; that the said endowment fund be invested in safe security in land or the first mortgage on land or in lands by the trustees of the national memorial home, with the approval of the Attorney-General of the United States, and that the disbursing officers of the Treasury are authorized and directed to pay the money upon the presentation of such vouchers so approved and certified as may be drawn by the association known as The Home for the Aged and Infirm Colored People of the United States.

Mr. WHITE. I ask that the report of the committee be read. It is unanimous.

The SPEAKER. The first question is on seconding the motion to suspend the rules.

Mr. CANNON. Is this a motion to suspend the rules and pass the bill, or to consider it?

The SPEAKER. To pass the bill under a suspension of the rules.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. GROSVENOR. Will not the gentleman consent that a second be considered as ordered?

The SPEAKER. Unanimous consent is asked that a second be considered as ordered. Is there objection? The Chair hears none. The gentleman from North Carolina [Mr. WHITE] asks that the report be read. It will be read in his time.

Mr. GROSVENOR. The amendment ought to be read, perhaps. The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10305) to provide a home for aged and infirm colored people, report the same back to the House with the recommendation that it do pass.

A bill for a similar purpose was reported favorably in the third session of the Fifty-fifth Congress by Mr. Griffin, from the Committee on Military Affairs, which sets forth fully the object of the legislation asked, and in part is as follows:

"The Committee on Military Affairs, to whom was referred the bill (S. 2821) to provide a home for aged and infirm colored people, having had the same under consideration, submit the following report thereon:

"This measure passed the Senate on the 14th day of June, 1898. The Senate Committee on Education and Labor made a report thereon, which in part is as follows:

"By this bill it is proposed, for the purpose of establishing a national memorial home for aged and infirm colored people, to make use of a sum of money now lying in the Treasury of the United States which is due the estates of deceased colored soldiers. This sum is that remaining from the moneys certified to be due to colored soldiers and which has not been paid out because of the lack of properly certified claims against it. The law governing the proper adjudication of these claims requires that the heirs of the deceased soldier must prove their lawful marriage relation by record evidence, and that to be certified to by a notary public or clerk of the court in the several States. No marriage record of slaves was, however, kept, and in a great many instances the requisite proof can not be made, and the money claimed can not in consequence be paid out to individual claimants. What the sum unproven and unclaimed will finally amount to it is at present impossible to tell, but according to the report of the Second Auditor of the Treasury to the Secretary of the Treasury, July 27, 1894, there at that time remained unclaimed \$230,018.84. Owing to the impossibility of making the required proof, it is probable that by far the greater part of this amount will never be paid out to heirs of deceased colored soldiers.

"It is this money that will never be paid out in the manner originally designed that it is proposed to appropriate for the establishment of a national memorial home for aged and infirm colored people. The money clearly belongs to the colored people, and numerous requests have been made that it be used for the benefit of their race. One of these requests is indicated in the bill now under consideration. The institution in whose aid the appropriation is requested is proposed by a number of colored men of the District of Columbia, who have formed a corporation to carry out the plan. By private subscription they have acquired a tract of land sufficient to erect a suitable building, and now ask Congress to transfer to them a portion of the unclaimed money in the United States Treasury, which equitably belongs to the colored people, to assist them in their very laudable work.

"It does not appear to the committee that there can be just or reasonable ground for objection to the use of the money appropriated in the bill for the purpose indicated when proper safeguards for its expenditure and for the protection of the United States Treasury are provided."

"Your committee approve and adopt the foregoing portion of the report of the Senate committee. The corporate name adopted by the association is 'The Home for Aged and Infirm Colored Persons.' While the sum proposed to be appropriated for the erection of the home is limited to \$100,000, yet the measure also provides that the remainder of the fund is to be invested as an endowment fund for the maintenance of the home, except as to so much as may be held to pay off the claims against such fund presented before January 1, 1900. All claims not presented by such date are to be barred.

"Your committee, in order to establish proper safeguards with reference to the use and investment of these funds, submit numerous amendments, which are herewith reported, and recommend that when so amended the bill do pass."

Mr. WHITE. Mr. Speaker, the report of the Committee on Military Affairs, which has just been read, explains the entire matter connected with the bill I have called up. As is generally understood, funds have accumulated from bounty and pay due to colored soldiers who served in the late war, which funds remain in the Treasury unpaid up to the present day, as no heirs have been found. From the fact that during the days of slavery no records were kept and no record made of the marriages of slaves, it is in most cases impossible to trace the ownership of this money. Most of the soldiers who should have been benefited by this fund were slaves, no records were kept of their marriages, and therefore where there were children left there is no means at the present time of proving their legitimacy and enabling them to avail themselves of this fund.

This money has remained in the Treasury for some thirty years, with practically none of it drawn out at all. The last report shows

that it amounts to about \$230,000, and it remains there without the possibility of its distribution.

A great Government like this could not use this fund with propriety or say that it should escheat to the United States when it has ample resources of its own and when it is well known that most of these people who should be the beneficiaries of it are greatly in need of the relief which its distribution would give to them.

But, Mr. Speaker, it does not properly belong to the United States in any sense of the word. It is simply a kind of trust fund in the custody of the United States and under its control; and therefore I trust the House will pass the bill which I have called up.

I now yield to the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. Does the gentleman yield the remainder of his time?

Mr. WHITE. I will reserve the remainder of the time, Mr. Speaker, and if necessary I will yield to the gentleman from Ohio, if there shall be any opposition manifested to the bill.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] desire to be heard?

Mr. RICHARDSON of Tennessee. I do not desire to be heard myself, but I believe the gentleman from Illinois wishes to be heard, and I yield to him such time as he may desire.

Mr. CANNON. I merely wish to ask a question or two in reference to the bill to see if I understand its provisions. I see it provides—I have not read it before—for the organization of branch homes in the various States. I wish to ask the gentleman from Ohio [Mr. GROSVENOR] or the gentleman from North Carolina [Mr. WHITE] whether it is contemplated, at the expense of the Federal Treasury, to found a home for aged and infirm colored people in the United States, and not only at the expense of the Treasury, but that it shall maintain the home thereafter?

Mr. GROSVENOR. That, Mr. Speaker, is a very pertinent question and gave some trouble to the committee in the consideration of the bill. I have given to it careful consideration, and think I can answer the gentleman fully.

In the first place, this bill does not contemplate the organization of any association outside of the District of Columbia, except for the purpose of making the authority for them to erect at their own expense monuments in commemoration of the colored soldiers who fell in the war on the ground now occupied by the association here. Beyond that, the other homes are not provided for at all.

In the first place, there is no provision for levying a cent of tax or making any demand upon the Government for any purpose, and in order to make assurance doubly sure I drafted a provision, which would come in at the end of the first section of the bill, providing that no claim can ever be asserted against the Government by reason of the enactment of this law over and above the amount of money actually on hand.

I would be glad to ask unanimous consent that this amendment, which, I believe, has been read already in connection with the bill, be again read.

The SPEAKER. Without objection, it will be read in the time of the gentleman from North Carolina.

Mr. CANNON. That is not in the bill that is proposed to be offered.

Mr. GROSVENOR. It is offered as a part of the motion to suspend the rules and pass the bill with the amendment. It would come in, probably, after the first section. I ask that it be again read.

The SPEAKER. Without objection, it will be again read.

There was no objection.

The Clerk read as follows:

*And provided further*, That no claim or obligation upon the United States for any appropriation of money for the support or endowment of said institution shall ever be asserted against the United States; nor will the United States recognize any obligation growing out of this act other than the duties of supervision specifically provided for herein; and the corporation aforesaid is hereby authorized to receive donations and gifts of endowment from benevolent and charitable purposes and other sources.

Mr. GROSVENOR. So it will be seen that without some further legislation, at least, there can be no possible claim asserted against the Government on this account.

This is a fund in the hands of the Treasurer of the United States which can not be used for any other purpose. It is not taking money which is available for any other purpose at the present time, or will be in the future, except by some act of legislation. Now, it is proposed to take this money which has actually accumulated and apply it to the purpose contemplated by the bill. You will observe that the bill, while it represents a probably certain amount, does not appropriate any money that does not actually belong to that fund, a fund which the Government of the United States is holding, as it were, in trust, and to which it has no title.

Mr. CANNON. May I ask the gentleman whether or no this specific fund that is appropriated here has not heretofore been appropriated for the aid of the National Soldiers' Home?

Mr. GROSVENOR. No part of it has ever been appropriated.

Mr. CANNON. No part of it has ever been appropriated?

Mr. GROSVENOR. No; it is a fund that has accumulated little by little, and after a while ceased to accumulate by lapse of time, there being no ascertainment of any more money to come in. The outgo has ceased also by reason of lapse of time, but there is a provision that at a certain time all claimants to that money shall be barred. I think the bill is very carefully and safely drawn.

Mr. CANNON. The gentleman is quite sure, from his examination of the bill, that there has been no appropriation of this amount—

Mr. GROSVENOR. None whatever.

Mr. CANNON. Said to be unclaimed, for the benefit of the Regular Army Soldiers' Home or any other purpose?

Mr. GROSVENOR. None whatever. If any such thing had happened, then the bill would carry nothing.

Mr. CANNON. You would have to indemnify the other fund.

Mr. GROSVENOR. There has never been any appropriation. The Government has thus far held it as a trust fund.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman, without interfering with the gentleman from Illinois, in what manner this credit has been kept in the Treasury Department?

Mr. GROSVENOR. I can not state that.

Mr. RICHARDSON of Tennessee. Has it been paid in, and kept in the general fund of the Treasury?

Mr. GROSVENOR. No.

Mr. RICHARDSON of Tennessee. Or put in a special account?

Mr. GROSVENOR. As I understand it, it is a special fund, a trust fund which has accumulated in the Treasury.

Mr. RICHARDSON of Tennessee. Then the gentleman, as I understand it, states that it is in some special account and not in the general fund.

Mr. GROSVENOR. It is not in the general fund, as I understand it.

Mr. RICHARDSON of Tennessee. The report does not show that fact, and it would make a great deal of difference whether we are appropriating money out of the general fund or whether this is in a separate account.

Mr. GROSVENOR. It is a separate account and the report shows it.

This sum is that remaining from the money certified to be due to colored soldiers, and which has not been paid out because of the lack of properly certified claims against it.

I think there can be no doubt about the safeguards to the bill. I took hold of it, not at the suggestion of the promoters of it—

Mr. MAHON rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. GROSVENOR. I do.

Mr. MAHON. Why put in this proviso at all? Why should this Congress interfere about putting up homes for aged colored or white persons in the States? The States are thoroughly equipped. My State takes care of all these people, and your State does. I am perfectly satisfied that this money ought to go to erect a home for aged and infirm people in the District of Columbia, and God knows they need it badly enough, and they need every dollar. I do not feel like dragging in the United States Government and the Attorney-General into the matter of building homes in the States. Why should they be bothered with that sort of thing?

Mr. GROSVENOR. There is nothing of that kind here.

Mr. MAHON. It provides that the States shall have the right to organize. Each State has that right anyway, if it wants to build a home for infirm people. And part of this money is to go out for that.

Mr. GROSVENOR. Not a dollar of it.

Mr. MAHON. Why do you provide for it? Explain it to me.

Mr. GROSVENOR. Yes; I will. These outside organizations may send monuments to be erected here in the grounds of this building; that is all. Every dollar of it is to be expended here.

Mr. CANNON. Right on that point—

Mr. GROSVENOR. Will the gentleman allow me to finish my statement?

Mr. CANNON. It is right along the line of that question.

Mr. GROSVENOR. The provision for the Attorney-General's interference is to see to it that title to the property is secured. It is already owned by the association. He is also to see to it that the specifications, contracts, etc., for the building are in proper form.

Mr. CANNON. Will the aged and infirm people in Illinois, who are cared for the same as the white people in Illinois, be eligible to this home in the District of Columbia?

Mr. GROSVENOR. If they came here to live I suppose they would be.

Mr. CANNON. But suppose they do not live here?

Mr. GROSVENOR. Then I think they would not be; but I wish to say to the gentleman from Illinois that in my opinion it

would be money saved, and that it would be a good investment for the Government, even though upon its terms an equal amount of money was taken out of the Treasury.

This bill will provide homes, as the gentleman says—what is actually needed—for the wants of people who become charges indirectly upon the Treasury of the United States in the District of Columbia.

Mr. CANNON. Would the gentleman be willing, if it is not so guarded, and I do not see that it is, to put a provision in this bill making the beneficiaries citizens of the District alone.

Mr. GROSVENOR. Limiting it to them?

Mr. CANNON. Limiting it to them.

Mr. GROSVENOR. I think that is a fair reading of it.

Mr. CANNON. I fail to get at it, and I have read it through. There is in existence now an association known as the Home for Aged and Infirm Colored People, incorporated, duly incorporated under and by virtue of the incorporation laws of the District of Columbia. Now I think we can incorporate—

Mr. WHITE. I can state to the gentleman that to the home contemplated the aged and infirm colored people who seek admission may properly be admitted from any part of the United States.

Mr. HULL. That ought to be right.

Mr. GROSVENOR. This simply employs the money that way.

Mr. WHITE. It contemplates a home for aged and infirm colored people.

Mr. CANNON. Then I take it the gentleman would not submit to a limitation on his bill limiting it to citizens of the District of Columbia?

Mr. GROSVENOR. I think that would be a proper provision.

Mr. CANNON. Now, the gentleman from North Carolina states that it would apply to the whole country. I can say in a few minutes why I think that limitation ought to be placed on there.

Mr. GROSVENOR. The gentleman can have twenty minutes if he wants it.

Mr. CANNON. I want the attention of the gentleman from North Carolina and the attention of the gentleman from Ohio. I think fairly that this Congress has the authority to appropriate money from the general Treasury—

The SPEAKER. The Chair understood the gentleman from Tennessee yielded of his time to the gentleman from Illinois.

Mr. RICHARDSON of Tennessee. I said I was willing to do it. How much time does the gentleman want?

The SPEAKER. The Chair calls attention to that now, as the gentleman from North Carolina has but three minutes remaining. The gentleman had made a statement, and the Chair wanted it distinctly understood.

Mr. CANNON. Five minutes is sufficient.

This Congress is the common council for the District of Columbia. It is perfectly legitimate that in the exercise of our power and function we should care for the people of the District of Columbia; nobody else can care for them. Thus far we are right. My opinion is, we ought to give no grants from the Treasury for the relief of poor people in the United States. In the State of Illinois, and, I apprehend, in every other State, we care for white and colored people alike, who are indigent, infirm, and poor, from grants from the State or the county treasury. Now, any effort to take money from the Federal Treasury and care for people of the respective States, who are infirm or poor, at the expense of the Federal Treasury, ought not to be entered upon, because it is wholly foreign from our whole plan of government and is a perversion of the money of the National Treasury to improper purposes. I shall not antagonize this bill so far as it founds a home for aged, indigent, or infirm colored people in the District of Columbia, to apply to citizens of the District of Columbia alone; but when it goes beyond that we enter upon a line of expenditure that is wholly foreign from our function, and ought not to, and would not, receive the approval of our respective constituencies.

Mr. MADDOX. Mr. Speaker—

Mr. GROSVENOR. Will the gentleman in his time—

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. CANNON. Certainly.

Mr. MADDOX. I want to ask the gentleman this question: As I understand, this fund is placed in the Treasury to the credit of the colored people. Then it belongs to the people here and all over the States?

Mr. CANNON. It is appropriated on the theory that it belongs to nobody living, and, therefore, without injustice to the living or the representatives of the dead, that there is an equity in devoting it to this specific purpose. I would much prefer to let it remain in the Treasury through all time as uncalled for, and step up and appropriate the hundred or two hundred thousand dollars direct, because that is what it amounts to.

Mr. MADDOX. What I want to suggest is that the equity was

in the States, so far as that is concerned, and the parties to whom it belonged, as well as the District of Columbia.

Mr. CANNON. That same equity would also apply to the unclaimed money to the credit of white soldiers, and there are five times—I expect ten times—as much unclaimed money to the credit of white soldiers as there is of the colored soldiers, and a bill can equally well come in to found a home for infirm people of the United States, the white people as well as the colored people, at the expense of the Federal Treasury. The whole thing is a make-believe.

Mr. GROSVENOR. Now, if the gentleman will allow me, I want to make this suggestion in connection with his remarks: The burden or scope of this provision here is to take in all of the colored people from all the States, and it would make it absolutely worthless. It would be such a small amount of money for so great an enterprise that you might as well throw it away. Therefore, I favor an amendment to limit it.

Mr. CANNON. I would be glad if such a modification could be made, and, if it is made, I shall make no further objection.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GROSVENOR. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. An amendment can not be offered except by unanimous consent.

Mr. GROSVENOR. I ask unanimous consent for the amendment to go to the end of the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to modify the motion of the gentleman from North Carolina [Mr. WHITE], so as to admit at the end of the bill the amendment which the Clerk will report.

The Clerk read as follows:

*Provided*, That no person shall be admitted to the benefits of said home who is not at the date of the application a bona fide resident of the District of Columbia.

The SPEAKER. Is there objection?

Mr. GAINES. Mr. Speaker, I would like to ask a question. I do not know that I shall object. Will the gentleman from Illinois tell me where this money comes from, in what condition it is, and whether it is a public fund or a trust fund?

Mr. CANNON. Certain bounty and pay was due the soldiers in the Army. The soldiers are dead, their descendants are dead, or the descendants of those who are entitled to claim it are dead, and it will never be paid. This is an effort to take the equivalent of that amount, so far as the colored soldiers are concerned, and make a home in the District of Columbia for aged, infirm, and indigent colored people.

Mr. GAINES. Is it conclusively proven that the heirs of the deceased soldiers can not be ascertained?

Mr. CANNON. There is nothing conclusive on this earth, but it is practically certain.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICHARDSON of Tennessee. Before refusing consent, Mr. Speaker, and I do not know that I shall, I want to say a word. It strikes me that the amendment offered by the gentleman from Ohio does not meet the objection made by the gentleman from Illinois. On page 4, section 3, of the bill you will find it says:

*Provided*, That all the States in these United States shall have the right to organize one or more similar associations, and that such of the members of said similar associations as this present association shall from time to time determine may become members of the association known as The Home for Aged and Infirm Colored Persons of the United States by complying with the requirements of the association; and that any such similar association now existing, or that may be formed hereafter, shall have the right, etc.

Mr. GROSVENOR. The gentleman does not read far enough. That authorizes them to place memorials in the grounds. They have no further right beyond that.

Mr. RICHARDSON of Tennessee. In three other places it makes further provision for the colored people of the United States.

Mr. GROSVENOR. Only to place memorials and monuments. That is all. This institution had a charter and has a large and valuable piece of real estate. It now proposes to take this money, \$100,000 to be expended by the Attorney-General to build a building, and the balance to be used as an endowment fund for the support of the concern. The other provision is that the memorial association of colored people in the various States may erect at their own expense memorials testifying to the gallantry, etc., of the soldiers.

The SPEAKER. The question is, Is there objection to the modification of the motion of the gentleman from Georgia by accepting the amendment offered by the gentleman from Ohio?

Mr. WHEELER. I object, Mr. Speaker.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirteen minutes remaining.

Mr. RICHARDSON of Tennessee. I only want to say that with the general object and purpose of this bill I have some sympathy. It strikes me that an improper reference was made of the bill in the first place—to the Committee on Military Affairs. It seems to me that it should have gone to the Committee on the District of Columbia, or some other committee. I can not see how the Committee on Military Affairs has jurisdiction, but I will not make any point of that now. It seems to me that the bill has not been sufficiently considered and proper safeguards placed around it. I now yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I want to ask the gentleman from Ohio [Mr. GROSVENOR], as it is within his power, to withdraw the bill and seek recognition of the Chair and pass the bill with the limitations to which the gentleman from Kentucky objected.

Mr. GROSVENOR. I have no objection to that; but I want it understood that the bill has been defeated by the objection of the gentleman from Kentucky.

Mr. WHEELER rose.

Mr. CANNON. If the gentleman will withdraw the bill, as he has a right to do—

Mr. GROSVENOR. I am afraid if I do that I can not get the bill up again.

Mr. WHEELER. Mr. Speaker, I am not opposed to the bill. I objected to it as a friend of the colored people throughout the United States. I am unwilling to take the money belonging to the colored people and give it to a coterie of people in the District of Columbia. The bill is wrong in principle and ought never to become a law. If it is going to become a law I want to be just before I am generous.

Mr. GROSVENOR. If the gentleman will allow, the proper way to reach your proposition is to take a vote on the amendment.

Mr. WHEELER. No; I have the club in my hands, and as long as I have it I am going to hold it.

Mr. CANNON. Now, then, as I have a moment of time, as I understand, if this bill passes, it creates a home for infirm colored people, and the gentleman from Kentucky will not consent to an amendment to confine it to the citizens of the District of Columbia. He insists upon the amendment being kept out because he favors the relief at the Federal Treasury of all the indigent colored citizens in the United States.

Mr. WHEELER. The gentleman from Illinois entirely misunderstands me. "The gentleman from Kentucky" said that the bill was wrong in principle, but that if it was to pass the House it should be a just measure, extending its generosity to all the colored people throughout the country, since you are using a fund belonging to them.

Mr. CANNON. Oh, well, the truth of the matter is that it does not belong to anybody.

Mr. WHEELER. Then leave it where it is.

Mr. GROSVENOR. I will withdraw the amendment, and ask a vote on the passage of the bill.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendment reported by the Clerk when the bill was read.

Mr. GROSVENOR. On that motion I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 59, answered "present" 7, not voting 153; as follows:

## YEAS—135.

Adams,	Fletcher,	Kerr, Md.	Reeves,
Aldrich,	Fordney,	Kluttz,	Robb,
Allen, Me.	Foss,	Knox,	Roberts,
Bankhead,	Foster,	Lacey,	Robinson, Ind.
Barham,	Freer,	Lamb,	Rodenberg,
Berry,	Gaines,	Landis,	Salmon,
Bishop,	Gardner, Mich.	Lawrence,	Shafroth,
Boutell, Ill.	Gaston,	Littlefield,	Shaw,
Bowersock,	Gibson,	Long,	Sheppard,
Brenner,	Gill,	Loudenslager,	Smith, Ill.
Bromwell,	Graft,	Lybrand,	Smith, Wm. Alden
Brosius,	Graham,	McRae,	Snodgrass,
Brown,	Greene, Mass.	Mahon,	Southard,
Brownlow,	Grosvenor,	Mann,	Steele,
Burke, S. Dak.	Grout,	Miers, Ind.	Stephens, Tex.
Burkett,	Grow,	Miller,	Stevens, Minn.
Butler,	Haugen,	Minor,	Taylor, Ohio
Caldwell,	Hawley,	Mondell,	Thomas, Iowa
Capron,	Hay,	Moody, Mass.	Thomas, N. C.
Cochrane, N. Y.	Heatwole,	Moody, Oreg.	Thropp,
Conner,	Hedge,	Morgan,	Van Voorhis,
Cooper, Wis.	Henry, Conn.	Morris,	Vreeland,
Cousins,	Hepburn,	Mudd,	Wachter,
Cromer,	Hill,	Needham,	Wadsworth,
Crowley,	Hitt,	Newlands,	Warner,
Crumpacker,	Hopkins,	Olmsted,	Weaver,
Curtis,	Howell,	Otey,	Weymouth,
Dalzell,	Hull,	Otjen,	White,
Davenport, S. A.	Jack,	Overstreet,	Williams, J. R.
Dick,	Jett,	Packer, Pa.	Williams, W. E.
Driscoll,	Johnston,	Pearce, Mo.	Wilson, N. Y.
Eddy,	Jones, Wash.	Pearre,	Woods,
Esch,	Joy,	Prince,	Young.
Fleming,	Kahn,	Ray, N. Y.	

## NAYS—59.

Adamson,	Cochran, Mo.	King,	Richardson, Ala.
Atwater,	Cooney,	Kitchin,	Richardson, Tenn.
Bell,	Cowherd,	Kleberg,	Rucker,
Brantley,	Davis,	Lanham,	Shackleford,
Breazeale,	De Armond,	Latimer,	Sims,
Brewer,	De Graffenreid,	Lewis,	Smith, Ky.
Broussard,	Dougherty,	Little,	Stallings,
Brundidge,	Elliott,	Lloyd,	Sutherland,
Burke, Tex.	Finley,	Loud,	Talbert,
Burleson,	Gordon,	McLain,	Tate,
Cannon,	Green, Pa.	Maddox,	Turner,
Carmack,	Griffith,	Moon,	Underwood,
Clark,	Henry, Tex.	Quarles,	Williams, Miss.
Clayton, Ala.	Howard,	Reeder,	Zenor.
Clayton, N. Y.	Jones, Va.	Rhea, Ky.	

## ANSWERED "PRESENT"—7.

Allen, Ky.	Fowler,	Norton, S. C.	Wheeler.
Boreing,	Meyer, La.	Phillips,	

## NOT VOTING—153.

Acheson,	Denny,	McClellan,	Showalter,
Alexander,	Dinsmore,	McCulloch,	Sibley,
Allen, Miss.	Dovener,	McDermott,	Slayden,
Babcock,	Driggs,	McDowell,	Small,
Bailey, Kans.	Emerson,	Marsh,	Smith, Iowa
Bailey, Tex.	Faris,	May,	Smith, H. C.
Baker,	Fitzgerald, Mass.	Meekison,	Smith, Samuel W.
Ball,	Fitzgerald, N. Y.	Mercer,	Spalding,
Barber,	Fitzpatrick,	Mesick,	Sparkman,
Barney,	Fox,	Metcalf,	Sperry,
Bartoldt,	Gamble,	Morrell,	Spight,
Bartlett,	Gardner, N. J.	Muller,	Sprague,
Bellamy,	Gayle,	Naphe,	Stark,
Benton,	Gilbert,	Neville,	Stewart, N. J.
Bingham,	Gillet, N. Y.	Noonan,	Stewart, N. Y.
Boutelle, Me.	Gillett, Mass.	Norton, Ohio	Stewart, Wis.
Bradley,	Glynn,	O'Grady,	Stokes,
Brick,	Griggs,	Parker, N. J.	Sulloway,
Bull,	Hall,	Payne,	Sulzer,
Burleigh,	Hamilton,	Pearson,	Swanson,
Burnett,	Hemenway,	Pierce, Tenn.	Tawney,
Burton,	Henry, Miss.	Polk,	Taylor, Ala.
Calderhead,	Hoffecker,	Powers,	Terry,
Campbell,	Jenkins,	Pugh,	Thayer,
Catchings,	Kerr, Ohio	Ransdell,	Tompkins,
Chanler,	Ketcham,	Rhea, Va.	Tongue,
Connell,	Lane,	Ridgely,	Underhill,
Cooper, Tex.	Lassiter,	Riordan,	Vandiver,
Corliss,	Lentz,	Rixey,	Wanger,
Cox,	Lester,	Robertson, La.	Waters,
Crump,	Levy,	Robinson, Nebr.	Watson,
Cummings,	Linney,	Ruppert,	Weeks,
Cusack,	Littauer,	Russell,	Wilson, Idaho
Cushman,	Livingston,	Ryan, N. Y.	Wilson, S. C.
Dahle,	Lorimer,	Ryan, Pa.	Wright,
Davenport, S. W.	Lovering,	Scudder,	Ziegler.
Davey,	McAleer,	Shattuc,	
Davidson,	McCall,	Shelden,	
Dayton,	McCleary,	Sherman,	

So (two-thirds voting in favor thereof) the motion to suspend the rules and pass the bill was agreed to.

The following pairs were announced:

Until further notice:

Mr. TAWNEY with Mr. BAILEY of Texas.

Mr. LANE with Mr. GRIGGS.

Mr. PUGH with Mr. ALLEN of Kentucky.

Mr. BAILEY of Kansas with Mr. McALEER.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.

Mr. PHILLIPS with Mr. McDOWELL.

Mr. MARSH with Mr. NEVILLE.

Mr. DOVENER with Mr. NAPHEN.

Mr. PACKER with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. GILBERT.

Mr. FARIS of Indiana with Mr. SULZER.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. FOWLER with Mr. BARTLETT.

Mr. KETCHAM with Mr. MULLER.

Mr. CRUMP with Mr. CUMMINGS.

Mr. ACHESON with Mr. WILSON of South Carolina.

Mr. LINNEY with Mr. BELLAMY.

Mr. BURTON with Mr. BALL.

Mr. TOMPKINS with Mr. DINSMORE.

Mr. MERCER with Mr. RHEA of Virginia.

Mr. GAMBLE with Mr. CAMPBELL.

Mr. WATSON with Mr. NOONAN.

Mr. STEWART of New Jersey with Mr. LASSITER.

Mr. RAY of New York with Mr. TERRY.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. METCALF with Mr. WHEELER.

Mr. FREER with Mr. PIERCE of Tennessee.

Mr. SHERMAN with Mr. DRIGGS.

For this day:

Mr. BURLEIGH with Mr. SCUDDER.

Mr. SHOWALTER with Mr. SPIGHT.

Mr. BULL with Mr. CHANLER.

Mr. HAMILTON with Mr. McDERMOTT.

Mr. JENKINS with Mr. STANLEY W. DAVENPORT.  
 Mr. BARTHOLOMT with Mr. GLYNN.  
 Mr. DAHLE with Mr. SPARKMAN.  
 Mr. MCCLEARY with Mr. RYAN of Pennsylvania.  
 Mr. ALEXANDER with Mr. ALLEN of Mississippi.  
 Mr. SULLOWAY with Mr. FITZGERALD of Massachusetts.  
 Mr. EMERSON with Mr. ROBINSON of Nebraska.  
 Mr. O'GRADY with Mr. STARK.  
 Mr. KERR of Ohio with Mr. RYAN of New York.  
 Mr. PARKER of New Jersey with Mr. THAYER.  
 Mr. WEEKS with Mr. RIORDAN.  
 Mr. LORIMER with Mr. MAY.  
 Mr. COCHRANE of New York with Mr. SLAYDEN.  
 Mr. GARDNER of New Jersey with Mr. FITZGERALD of New York.

Mr. LITTAUER with Mr. RUPPERT.  
 Mr. MORRELL with Mr. DAVEY.  
 Mr. DAVIDSON with Mr. DENNY.  
 Mr. HEMENWAY with Mr. STOKES.  
 Mr. CUSHMAN with Mr. HENRY of Mississippi.  
 Mr. HENRY C. SMITH with Mr. FOX.  
 Mr. SAMUEL W. SMITH with Mr. CUSACK.  
 Mr. MESICK with Mr. ROBERTSON of Louisiana.  
 Mr. BABCOCK with Mr. BARBER.  
 Mr. CORLISS with Mr. COX.  
 Mr. BINGHAM with Mr. RIXEY.  
 Mr. SHELDEN with Mr. LEVY.  
 Mr. BRICK with Mr. BURNETT.  
 Mr. CALDERHEAD with Mr. CATCHINGS.  
 Mr. PAYNE with Mr. RANDELL.  
 Mr. POWERS with Mr. LIVINGSTON.  
 Mr. SHATTUC with Mr. NORTON of Ohio.  
 Mr. SPALDING with Mr. SWANSON.  
 Mr. SPRAGUE with Mr. UNDERHILL.  
 Mr. TONGUE with Mr. ZIEGLER.

Mr. WANGER. Mr. Speaker, I answered "present" under the impression that my pair with an absent member was still continuing. I find that the pair has been transferred, and ask leave to vote.

The SPEAKER. The gentleman has that right under the rule. Mr. WANGER's name was called and recorded as above.

Mr. RAY of New York. Mr. Speaker, I notice that I am announced as being paired with the gentleman from Arkansas [Mr. TERRY]. My pair extended only to the 16th of this month; but I notice that the gentleman from Arkansas has not returned, and I will withdraw my vote and ask to be marked "present."

The SPEAKER. That will be done.  
 On this question the yeas are 136, the nays are 59, answering "present" 6. The motion having received a two-thirds majority, the Chair declares the same carried and the bill passed.

Mr. WHITE. I move to reconsider—

The SPEAKER. That is not necessary under a two-thirds vote.

#### CLAIM OF FOREIGN CITIZENS OR SUBJECTS.

Mr. RAY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5069) relating to claims against the United States for indemnity by subjects or citizens of a foreign state as amended by the committee.

The SPEAKER. The bill will be read.

The bill was read, as follows:

*Be it enacted, etc.,* That any subject or citizen of a foreign state claiming of the United States, under a treaty or upon the principles of international law, indemnity for injury to person or property may bring suit upon such claim in the Court of Claims. Such sections and provisions of chapter 359 of the acts of 1887 as are applicable to the Court of Claims shall apply to and govern the institution of such suits and all subsequent proceedings therein: *Provided,* That the provisions of this act shall apply only to citizens or subjects of those foreign states according like rights and privileges to the citizens of the United States: *And provided further,* That no such suit shall be brought after the expiration of two years from the accruing of such claim or cause of action: *And provided further,* That it shall be a defense to such suit that the plaintiff has made his domicile in the United States for more than a year continuously prior to the accruing of such alleged claim or cause of action.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker, upon the motion.

Mr. RAY of New York. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. RAY] and the gentleman from Tennessee [Mr. RICHARDSON] to control the time of debate, under the rule.

Mr. RAY of New York. Mr. Speaker, the State Department has been overrun and trampled and its time occupied with the consideration of claims brought against the Government of the United States by citizens of foreign countries happening to be in this country or having a claim or believing they have a claim, and the mode of the presentation and prosecution of these claims in the State Department occupies a great deal of the time of the Department and is a very expensive proceeding. The State Depart-

ment has therefore urged the adoption of a bill providing for the adjudication of the claims by a separate judicial tribunal. In the first instance it was suggested that a suit might be brought in the circuit courts of the United States, but objection was made and we amended the bill by providing that parties having an alleged claim may go into the Court of Claims and present their proofs to that tribunal.

There, of course, no final judgment is pronounced. We make applicable to the consideration of the case all the provisions of law applicable to that court. That court makes a finding of facts on the evidence presented, which finding is reported to Congress, and then the Congress of the United States may, if it sees proper, and recognizes the justice of the claim, pay it by making the necessary appropriation, the same as they now do in cases where our citizens are the plaintiffs in that court.

The bill simply provides that these parties may go into the Court of Claims and present the proof of their claim instead of going to the State Department and taking the proofs there by affidavit, using a mode which is very embarrassing to that Department, compelling them to assume obligations and duties that they ought not to be compelled to assume and spend time in doing a great deal that they ought not to be compelled to do in connection with the consideration of such matters.

But I desire to yield five minutes to the gentleman from Illinois [Mr. HITT], who introduced the bill and who knows better than I do the views of the Department in reference to it. I may say, however, that this bill meets the hearty approval, not only of the State Department, but of the Attorney-General, and it is a proposition, I may add, which will save money to the Treasury of the United States and facilitate the consideration of matters of this kind.

Mr. GAINES. I would like to ask the gentleman a question, with his consent.

Mr. RAY of New York. Certainly.

Mr. GAINES. This bill does not come from the Judiciary Committee, does it?

Mr. RAY of New York. Yes; it is from that committee.

Mr. GAINES. How does the committee stand upon it?

Mr. RAY of New York. Well, Mr. DE ARMOND of Missouri and one or two other gentlemen objected to the passage of the bill on the ground that we ought not to let any foreigners into our courts, but we provide, I will say, by amendment to the bill, that the provisions of this act shall apply only to the citizens or subjects of those foreign states or countries according similar privileges or rights to the citizens of this country. It is simply a reciprocal provision where the same privileges are accorded to us.

Mr. GAINES. Is there a minority report?

Mr. RAY of New York. Yes; I have stated that there was a division in the committee. And further, I may add, Mr. Chairman, we provide that no such suit shall be brought after the expiration of one year from the accruing of such claim or cause of action; and that it shall be a defense to such suit to show that the plaintiff has made his domicile in the United States for more than a year, continuously, prior to the accruing of such claim or cause of action.

Mr. HITT. Mr. Speaker, this bill was suggested and in part prepared by the Secretary of State under the last Administration, Mr. Olney, but it was only carrying out the propositions of Mr. Evarts long ago and of Mr. Bayard after him.

Claims by foreigners in this country for injury to person and property will necessarily arise from time to time, and there is no provision in our system for redress by ordinary judicial procedure. No court is open to them. Therefore they go through their own governments to our Government itself, demanding indemnity. The fact that we may deny them admission to the courts will never prevent them from coming for redress, for the relations of one government to another make intercourse necessary, and this can not be changed by the will of the Government. When just claims are made we must answer or we soon incur great disadvantages.

International relations are perpetual, international law is of binding force, and treaties remain. If we will not let their claims be considered in a court, we must meet them in the tardy and expensive diplomatic method. We must meet them in some way. We have enjoined this upon other countries in many cases where American citizens were injured, especially in South America, where our Secretary of State has demanded firmly and pressing that they be given indemnity by the government or that it designate a court or point out an efficient means of redress.

The method proposed here was proposed twenty-five years ago by Judge Lawrence in a report to this House, providing that we give foreigners access to a court—and the Court of Claims was then pointed out—which might try all such matters.

When the citizen or subject of a foreign power is injured in this country at present he has no redress except through the representative of his government. That representative applies at once to our Department of State. This demand must be met.

The interests of nations are so great and the losses or advantages that we may sustain in our general relations with foreign countries are such that we must consider every question so presented. Hence, when the British ambassador or the French ambassador or any other presents a case, the State Department must consider it. They must investigate it. It is costly, it is uncertain, the scene is generally distant, there are no proper instruments of investigation, such as the wisdom of mankind has determined to be the best, namely, a judicial inquiry, and this House is the final resort when the State Department, having collected such information as it can, sends the proof or the general facts here, with the recommendation that we act.

They find out the facts as they can, but they have no judicial means of inquiring with accuracy, such as every lawyer is familiar with. They do the best they can, and the Committee on Foreign Affairs has, I know, for more than fifteen years, been burdened and perplexed almost every year with a large number of these claims. In spite of every effort to have only justice done and to adjudge what is fair, I myself know that in many cases we have been constrained to pay to survivors or to injured people, more than they ever dreamed of possessing in this world. It was necessary to act to prevent or allay irritations between nations, and avoid continuing or awakening grave questions that would or might prejudice our interests.

Now, this method that we ask to have adopted here for foreigners among us, and that so many Secretaries of State have asked for, is to-day extended to our citizens by almost all the great powers and most of the smaller powers of the world. There is a tribunal now open to any American citizen who wishes to make application, for injury to himself or his property by that Government, in Prussia, in Hanover, in Bavaria, in Switzerland, in the Netherlands, in the Hanseatic Provinces, in the free city of Hamburg, in France, in Spain, in Belgium, in England, in Italy, and many more which I will not recite.

In the decision of Judge Knott on a case involving this subject-matter he says that almost all the powers of the world have granted that which we alone deny—a court open to a foreigner to show his claim for injury.

We can deny the right to go into a court, but we can not deny them the chance or the opportunity for redress, for they get it by this roundabout method, this uncertain, unsatisfactory diplomatic and to us very expensive route, and in the end it comes here after all, for Congress has to vote the money.

Mr. WILLIAMS of Mississippi rose.

Mr. HITT. I hope the gentleman will let me finish. I have but five minutes. We here propose that these claims shall be investigated by a court in the method you are all familiar with, which, you know, is the best way yet found to get at facts, as determined by the experience of mankind. Then the case will have to come here to have the recommendation of the court paid by Congress.

In addition to that there is provision for an appeal. Now, we have sometimes to dispose of these claims, the amounts of which run up into the millions, by sending them to special commissions, which are very costly and very troublesome, and from the findings of which there is no appeal. Why, at this moment there is a bill pending, which was presented to me to-day, to repay money and redress wrongs committed by us upon the Government of Mexico, brought about by findings on fraudulent claims, owing to these uncertain methods of ascertaining the justice of claims, amounting to many hundreds of thousands of dollars, the notorious Weil and La Abra claims.

Now, here is proposed a simple method of redress, by which no wrong will be done to anybody, so far as wrong can be prevented by the best methods that men have yet devised to arrive at justice. It does not allow anyone to go into the Court of Claims except the subject or citizen of a government that opens its courts to our citizens. It limits the presentation of a claim to two years, and guards against abuse in every possible way.

[Here the hammer fell.]

Mr. RAY of New York. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. WILLIAMS of Mississippi. Before the gentleman sits down, I would like to ask the chairman a question. In most of the cases quoted by the gentleman from Illinois, where American citizens are given judicial redress in foreign countries, there is final adjudication made by the court. Why not have it so in this case? What is the use of confining the courts to a mere finding of facts and bringing that finding back here?

Mr. RAY of New York. Because that is the jurisdiction we have conferred on the Court of Claims, and it keeps it all the time in the power of Congress to review. After the evidence is taken and report made to the House with the findings of the court, then Congress has it in its power to review the matter, and if it thinks the claim ought not to be paid it may refuse payment.

Mr. WILLIAMS of Mississippi. In response to that, does

not the gentleman think the American people can safely trust American courts in cases of claims by aliens, especially when appeal is given from the court of first instance?

Mr. RAY of New York. I thought that myself, but there was a strong opposition in the committee, on your own side, to giving foreigners the right to sue in our courts and have final judgment rendered in a court in their favor. Therefore we yielded to the objection and provided that these matters shall go to the Court of Claims, where the evidence can be taken in a judicial way, to have the facts ascertained and reported to Congress, and then the Congress of the United States can vote the money or refuse it, as it deems best. It is a safe way of getting at such matters for the Government, and gets at the truth of the matter far better than it can now be done—gets the truth in a judicial way, in one of its own courts, instead of haphazard, piecemeal, or by affidavits, and in a way where fraud is practiced or may be practiced.

Mr. CANNON. May I ask the gentleman? There are certain claims under the late treaty with Spain for which the United States is liable, as I recollect it, amounting probably as claimed to many multiplied millions of dollars going to various citizens.

Mr. RAY of New York. We provided for those in another bill. They are not within the provisions of this bill.

Mr. CANNON. "Of any subject or citizen, claimant of the United States, under the treaty"—is not that broad enough to cover everything?

Mr. RAY of New York. Suppose it is broad enough and comprehensive enough to cover everything, is there any objection to letting a claim be adjudicated in the Court of Claims and come to Congress?

Mr. CANNON. If it is broad enough to cover a hundred million dollars in claims, I would say there is objection to passing it in forty minutes' debate under a motion to suspend the rules.

Mr. RAY of New York. The whole matter was up here, and it is provided for in another bill, in which this House voted and instructed the Committee on Claims to report a bill sending these matters to the Court of Claims.

Mr. CANNON. Has that been done?

Mr. RAY of New York. I understand they have reported such a measure covering Spanish war claims.

Mr. HAUGEN. I would say that the bill is before the committee, but has not been acted upon. These were instructions that we do not think can be done.

Mr. DALZELL. The Court of Claims has no time.

Mr. SHAFROTH. I would like to ask the gentleman a question.

Mr. RAY of New York. I do not want to use all my time.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this bill was reported by the Judiciary Committee. As I was informed, some members of the minority have submitted the views of the minority. I now yield to the gentleman from Missouri [Mr. DE ARMOND] twenty minutes, or allow him to control the twenty minutes.

Mr. DE ARMOND. Mr. Speaker, some of the members of the Judiciary Committee could not concur in the conclusions of the majority, and think that the pending measure ought not to pass. It is a very radical and far-reaching measure. It is a measure to give to citizens and subjects of other countries rights and privileges in our courts which our own citizens do not enjoy, and which these foreigners have not had in all the history of this country, to this hour.

I am aware that an occasional demand is made by a foreign sovereignty in behalf of some citizen or citizens of that country for indemnity on account of alleged injury to person or property in this country, and I have no doubt that occasionally the State Department is put to inconvenience and trouble in dealing with the matter. When that is stated all is said that has been said or can be said in support of this bill.

It is found upon consideration of these individual cases that most of them arise with respect to laborers brought from foreign countries under the contract-labor system, and brought necessarily into conflict with the interests of our own laborers here, citizens and subjects of our own country. As is instanced in the views of the minority, which I shall ask to have appended to my remarks and made part of them, under this bill you can have brothers born in a foreign country come to this country at the same time. One of them may renounce allegiance to the foreign sovereignty and become a citizen and subject, by naturalization, of the United States, and the other retain his foreign allegiance.

You could have the two, in person or in property, suffer to the same extent, under the same circumstances, by the same agencies, at the same time, and this bill would authorize the one to maintain a suit against the United States in the Court of Claims—the one who remains a foreigner; and the other, who, by naturalization, had become a citizen of this country, would be remediless. That shows the scope and effect of this proposed legislation.

Then there is a reciprocity feature in it which, to my mind, is very objectionable. The citizen or subject of any country which

allows one of our citizens or subjects the right in courts of that country to maintain a suit for damages can here maintain a suit against our Government, if this bill becomes a law. That is simply an invitation to any and all the nations, great and small, to exchange with us the opportunity for engaging in suits against the respective sovereignties.

These cases are not to be tried by a jury. The jury system, so near and dear to our people, so ingrained into, so ingrafted upon our institutions, is to be dispensed with in these particular cases. It makes no difference where the cause of action accrues. It makes no difference how distant from the city of Washington, where the Court of Claims sits, the alleged injury may be suffered. Here in the city of Washington, the matter being investigated in the Court of Claims, at the institution of a foreign citizen, witnesses may be brought from afar or depositions may be taken in distant parts of the nation or world. Prosecutions against the Government of the United States may be maintained successfully here, far from the scene of the transactions which give rise to them, while, maybe, where these transactions are well known, among the people of the vicinage, no action could be sustained, because of lack of merit in the claim.

It is a general invitation to the jobbers and speculators in claims, the horde and army of claim attorneys or claim agents, to rake and scrape the scruff and scum of foreign population in this country (not here for the purpose of becoming a part of our citizenship, to which they would be no credit if they should join it, but in commercial and industrial warfare with our own citizens)—to rake and scrape through them and get speculative suits to bring against the United States. In my judgment, the result of the enactment of such a measure into law would be to multiply twenty-fold the number of claims against the Government and swell to huge proportions the amount demanded in the aggregate.

If any case arises (and cases may arise from time to time) when it shall seem to Congress that the best method of procedure is by trial in court, it will be a simple matter to pass a special law for a special case. Such a law will be sufficient for that case, and the case being disposed of, the law itself will pass out of existence, to be followed by another law like it if there be another occasion for one.

The mere circumstance that gentlemen in the State Department would like to be rid of this business, the mere circumstance that in the namby-pamby negotiations that frequently take place between the representatives of one government and the representatives of another, in the exchange of civilities, in the refinements of politeness (so refined that the politeness is refined out), there may be difficulties and complications; but none of these things, nor all of these things combined, afford a sufficient reason for the enactment of this law.

Our traditions and our course of more than one hundred years all tend against it. We have managed to get along, and to get along without any very great hardship, on this score. Some such cases arose at New Orleans when some Italians were lynched, and some arose over some violence of the same kind in the far West. They may arise anywhere. If an American citizen be lynched, this bill provides no redress, however heinous the offense may be. But when a worthless scoundrel who has outraged public decency and violated the law to the extent that aroused public sentiment rushes him on to speedy punishment, outside and over the law, then under this law there would be means provided for coercing the United States, the powerful sovereignty of this great nation, into meeting in court, without a jury, the speculative representatives of "the departed," and of exacting from the Government two or five or ten thousand dollars for a creature who probably never was worth five cents dead or alive. [Laughter.]

Most of the cases for which this bill is designed to provide arise in the several States of the Union. In every State, I think, the citizen and the alien are equally within the protection of the State law. Then why discriminate by Federal legislation against the citizen and in favor of the alien? About the only answer made is that foreigners do not comprehend our system of government. State lines and State jurisdiction have no parallel in their lands. What of argument or of persuasion can there be in the suggestion that this bill ought to be passed because State jurisdiction in local affairs is novel and not altogether satisfactory to the foreigners?

I submit that what is proposed would be dangerous legislation, and that no necessity exists for it. Harm rather than good would come out of it. The promised good is delusive and rests upon false premises. The evil to be apprehended, it seems to me, is apparent, and the objections well founded. I ask to append as a part of my remarks the views of the minority.

#### VIEWS OF THE MINORITY.

The undersigned members of the Committee on the Judiciary, to which was referred the bill (H. R. 5069) entitled "A bill relating to claims against the United States by subjects or citizens of a foreign State," are not able to agree with the majority in reporting the bill with a favorable recommendation, and deem the matter of enough importance to warrant them in submitting a brief statement of the views of the minority.

We believe that it is neither necessary nor desirable to give to foreigners, holding themselves subject to foreign governments, the right to sue the United States whenever, and for almost whatever, they may please. If this bill become a law the citizen or subject of a foreign nation, whether domiciled in the United States or living abroad, may bring suit against our Government whenever he considers that a right of recovery has accrued to him, "under a treaty or according to the principles of international law," providing only that he claim indemnity "for injury to person or property." The injury may occur anywhere or by any means whatsoever—the right to sue is given—and not the laws of our own country, not even a treaty exclusively, but so vague a thing as the "principles of international law" shall determine the rights of the alien against this sovereign Republic.

It is true that the committee recommend that the right to sue the United States, not given to a citizen or subject of a foreign country in more than a hundred years of our national life, shall be given under this proposed act only to the citizens and subjects of such foreign nations as shall accord to our citizens the like right of action against their governments. That is, whenever the weakest and most degraded government upon the earth shall provide that American citizens may sue it, then any of its citizens or subjects shall have the right to sue the United States. The amendment is an invitation to grant and exchange the right to sue, with no consideration of how much we may give or how little we may get in a given case. Are we so eager to enable those who owe allegiance to any other government, no matter how mean, to sue the United States, that we blandly invite all the world to swap with us the opportunity to obtain judgments? The people of Haiti or those of Santo Domingo can sue us freely, if only they will kindly consent to give our people the opportunity to get worthless judgments against the worthless governments with which they are cursed. The invitation of the act, as the committee would have it, is universal in its reach—not a nation in the world is left out of this scheme of reciprocity in suing and being sued.

The principal argument in support of the measure is that foreigners know nothing about our internal affairs and can not comprehend our valued institution of local self-government by means of the State organizations, and are dissatisfied when told that the authorities of whose action, or failure to act, they complain are operating under State laws and not under Federal laws. It ought to be enough to say, in answer to this suggestion, that we are too well satisfied with our own institutions to think of changing them in any manner whatever for the easier or better understanding of the subjects or representatives of any foreign "king, prince, or potentate."

It is further urged that when the subjects of some foreign State happen to be hanged by decree of the court presided over by "Judge Lynch," and indemnity is demanded for the lives sacrificed, it is difficult for the State Department to adjust the matter satisfactorily and upon a reasonable basis. It was said that it would be so much better to permit the claimant to sue the United States and have the decision of a jury to determine whether anything should be given as indemnity, and if so, how much. But the committee propose to amend the bill so as to dispense with the jury and take, instead of its verdict, the judgment of the Court of Claims.

If this bill shall become a law, the citizen or subject of any foreign State which shall give our people the right to bring suit against it will possess rights and remedies against the United States not possessed by any citizen of this Republic, whether native or foreign born. For instance, two brothers born abroad, the subjects of some foreign nation, one of whom had been naturalized and through naturalization had become an American citizen and subject, might suffer equally, at the same time and by the same means, and the one who continues to recognize Queen Victoria or the Sultan of Turkey as his sovereign might sue the United States and obtain a redress of his grievances, while the unfortunate brother who had cast off allegiance to the same sovereign and become a citizen of the United States would be remediless. Surely legislation which will give to aliens rights and privileges denied our own citizens can not be wholesome legislation.

Whenever a case shall arise for the proper settlement of which an adjudication in court shall be deemed necessary or desirable, it may be provided for by a special act, to begin and end with the exigency which shall call it into being.

It is submitted that an alien ought not to have any rights in this country which are denied to our own citizens. Most of the troubles with the like of which this bill is meant to deal have arisen in the cases of contract laborers, brought to our shores in violation of law and of the rights of our American citizen laborers, native and foreign. Most of these contract laborers have no notion of becoming American citizens, and many would not be desirable additions to our citizenship. Instead of according to them rights and privileges not given to the American citizen, would it not be wiser and better to deal with their cases as they may arise, dealing with each in the light of its own facts and surroundings?

Then, is there not something of national humiliation in subjecting our Government to being sued at the whim and will of every Tom, Dick, and Harry in the world, outside American citizenship, of course? And who can foresee how many suits would be brought, or to what extent promoters of litigation might prosper, or how officers might find a new field for increase, or how the expenses of the judicial establishment might grow?

So long as we continue to give to the citizens and subjects of foreign nations, when domiciled in this country or temporarily sojourning here, the same general protection of our laws which our own people enjoy we can well afford to wait for special cases arising now and then to suggest the proper special treatment for each, according to its own nature and circumstances.

DAVID A. DE ARMOND.  
W. L. TERRY.  
D. H. SMITH.  
S. W. T. LANHAM.

Mr. RAY of New York. I yield to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I think the gentleman from Missouri [Mr. DE ARMOND] is needlessly alarmed over the provisions of this bill and over the bestowal of rights on foreigners to sue in the Federal courts, which right, he claims, is not enjoyed by the citizens of our own country. While our Government should be jealous in preserving the rights of the citizens within its borders, it has also the function to protect the lives and property of its citizens residing temporarily or permanently in foreign countries. Congress by this act will not forego its supervision of this matter. By giving jurisdiction to the Court of Claims they simply authorize that court to report upon the facts and justice of the case, and its judgment will be subject to the revision of Congress. But the great advantage of this procedure will be the saving of time to the Department of State in the consideration of such minor matters, and of the time of Congress in undertaking to investigate many questions of such small character, but of equal justice, to

the detriment and delay of legislation on public matters of great importance.

The position of the United States in this regard is somewhat anomalous. We have contracted treaties with other powers guaranteeing the citizens thereof residing in our country protection for their persons and property. We hold these powers strictly responsible for the obligations thus incurred, and are now pressing Turkey for indemnity for property destroyed, and will hold China to a strict accountability for the massacre of our citizens and the destruction of their property.

But, Mr. Speaker, when foreign countries demand the same privileges and indemnity for their citizens residing in the United States our General Government is obliged to reply that, owing to the constitutional form of our Government, it has no control over the police regulations or courts of the several States composing the Union, and that it is powerless to refer these citizens to the Federal courts to seek redress or to grant them indemnity. The Government has pressed upon Congress from time to time the anomalous position which the Government occupies owing to this inability to fulfill its treaty obligations voluntarily imposed upon itself and the higher claim of international law which stands paramount among civilized nations.

In 1891 President Harrison, in his annual message to Congress, referring to the lynching of Italians at New Orleans, said:

Some suggestions growing out of this unhappy incident are worthy of the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal courts.

President McKinley, in his annual message in December, 1899, said:

I renew the urgent recommendations I made last year that the Congress appropriately confer upon the Federal courts jurisdiction in this class of international cases where the ultimate responsibility of the Federal Government may be involved, and I invite action upon the bills to accomplish this which were introduced in the Senate and House. It is incumbent upon us to remedy the statutory omission which has led and may again lead to such untoward results. I have pointed out the necessity and the precedent for legislation of this character. Its enactment is a simple measure of previsory justice toward the nations with which we, as a sovereign equal, make treaties requiring reciprocal observance.

The Government of the United States enforces liability against foreign authorities for denials of justice involving culpability of local authorities, irrespective of the fact whether these denials are by national, state, municipal, or local tribunals or authorities. Yet, while we assert this liability in accordance with international law, we refuse to recognize it ourselves. That this position is untenable has already been decided by the arbitrators to whom was referred the Oberlander case between the United States and Mexico. The facts of the case were clearly in our favor, but the arbitrators decided against us, largely on the ground of our refusal to recognize the liability which, *mutatis mutandis*, we uniformly asserted.

President Cleveland in 1886, replying to the claim presented by the legation of China, refused to accept diplomatic intervention, although he admitted that scandalous occurrences had taken place. He declared that the United States Government was not under obligations to pay an indemnity for the losses caused by these crimes, thus disregarding the claim of the Chinese legation. Owing to this position the arbitrators decided against the United States, for the reason I have already stated. The present position of our Government is a very unsatisfactory one. Claims for redress presented by foreign nations are considered by the State Department. If decided favorably, Congress is asked to appropriate such an amount as indemnity as will be satisfactory to the country concerned, and this is purely *ex gratia*, and not in accordance with our treaty obligations or in recognition of the force of international law. The present state of our laws on this subject and the international attitude of this Government in this respect is a subject of criticism and reproach by publicists of all countries, including those of the United States.

The granting of the right to foreigners to plead in our courts is not a new one. Already the district and circuit courts of the United States have jurisdiction of civil causes brought by aliens where the amount involved exceeds a certain sum. If such solicitude be shown in the case of alien rights in cases of civil and pecuniary import, how much greater should be the public duty to take cognizance of matters affecting the life and rights of aliens under the settled practice of international law in cases of such great wrongdoing as mob murder or wanton destruction of property when experience has shown that local justice is too often helpless to punish the offenders.

Mr. Speaker, this neglect of reciprocal power to redress the grievances of the citizens of foreign countries has been pressed by them upon our Government for some time. The rights of all nations acquired by international law are simply the cession of such rights granted by civilized countries for the general good of all. Those who can not conform to this concurrence of equity, or the form of whose government is such that they are estopped from granting to others what they themselves demand, makes the

pressing necessity for the passage of this bill. This bill is hedged with the security that this privilege is only to be extended to the citizens of those countries which grant the same privileges to us; and if we wish to maintain our standing among nations we should conform to international law, and not remain without its pale on so essential a question as the enforcement of the obligations we have voluntarily incurred in the form of that most solemn compact—a treaty between two sovereign states.

Mr. Speaker, I have endeavored to set forth some of the reasons which make the passage of some measure to meet these requirements absolutely imperative.

Mr. DE ARMOND. I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I think this is the most remarkable bill ever brought into this House. I caution the House against passing the bill without due consideration. Many men on this floor know all about the courts of foreign countries and their methods of procedure. They have no courts like those we have in this country.

Mr. Speaker, why should we leave the well-beaten paths of one hundred or more years? Why should we disregard all the experience and all the precedents of the past? We have our great State Department. Almost every Government on earth has its representatives here. Let these troubles between the people of foreign countries and our Government be adjudicated by men who represent the respective governments, and then let them be brought to Congress for final settlement.

Pass this bill and you will need, not one Court of Claims, but a dozen. Speaking from my experience since I have been a member of this House, I desire to say that there are enough schemes concocted by lawyers of this city to crowd the dockets of our courts if we had a court in almost every public building of the city.

Why should we pass this bill? Why should we give a subject of Turkey the right to go into the Court of Claims and bring suit? If he has a claim against this Government, he has his representative here, who can get a fair hearing before the State Department, and by that Department his claim can be presented to Congress.

I do not propose to go into questions of details. This bill, even if passed, will be impracticable. You can not try such a case before the Court of Claims under this bill as it is drawn. It would take a much longer and more elaborate measure to provide for hearing cases of this kind coming from a foreign country. This bill is not properly drawn to accomplish its purpose, even if that purpose were desirable. I submit that a bill of this kind should certainly not be passed under a suspension of the rules. It ought to be thoroughly discussed and looked into in every aspect of the case. I hope this motion to suspend the rules and pass the bill will not be adopted.

Mr. DE ARMOND. I yield the remainder of my time to the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The gentleman has ten minutes remaining. Mr. WILLIAMS of Mississippi. I oppose this bill because I think it does not go far enough. I think that it is only right and just that the Government should give an opportunity to everybody to obtain redress, whether it is to a citizen or anyone else, in our courts, for injury or indemnity urged by the person making the claim. Common justice demands that. Any self-respecting government ought to do that.

I do not think, therefore, the argument made by the gentleman from Missouri [Mr. DE ARMOND] is altogether sound. I do think he was exactly right, however, in saying that foreigners ought not to be given rights in our courts which are denied to our own citizens. But I think the conclusion to be drawn is that our own citizens ought also and at the same time be given such rights and that there should be no provision of law denying them that privilege.

Everybody, whether he be an alien or a citizen of the United States, should have the right, under certain conditions, to appear before some court and make his claim, upon proof, according to the facts and according to the rules prescribed by our methods of judicial procedure. And, Mr. Speaker, if I shall have the opportunity to do so, I shall offer an amendment, when the bill is read—if it be read by sections and is subject to amendment—making it read that "any subject or citizen of a foreign state or of the United States claiming of the United States under treaty or upon the principles of international law or for any other valid reason for injury to personal property may bring suit upon such claim in any circuit court of the United States." In other words, I would extend the privileges of this bill to our own citizens as well as to those of foreign countries, and would place jurisdiction in our regular circuit courts.

Another criticism made by the gentleman from Missouri is also entirely sound, viz, that the jury system would not apply to a claim if tried in the Court of Claims; and for that reason, and because I believe jury trial to be a wise provision, I would like to see the bill amended by restoring the language originally

contained in it, and which has been stricken out by the committee, which provides that these claims shall be tried—

In any circuit court of the United States. Sections 5 to 11, inclusive, of chapter 359, of the acts of 1887, shall apply to and govern the initiation of such suits and all subsequent proceedings therein.

I would like to see the bill retain that provision which was stricken out in committee, and apply not only to foreigners suing for indemnity, or injury to person or property, but also to the citizens of the United States who have similar grounds of complaint against the Government, and who will thus have a means of asserting their rights before a competent tribunal.

I would like to see the bill passed, Mr. Speaker, with the amendments I have suggested, giving, as I have said, to our own citizens equal rights with those extended to foreigners, and giving to both of them a status in the courts of the United States whenever they believe they have been injured by the Government and seek a proper mode of redress within a proper time. I for one, Mr. Speaker, am perfectly willing to trust the courts of the United States as they are at present organized to do justice in all cases where the United States is a party in interest, or where the Government is a defendant, in such suits as are contemplated by the pending bill. I should be rather more afraid, from an abstract standpoint, that such courts would do injustice to the foreigner or to the citizen rather than to the Government.

I like also the provision which was originally in the bill contemplating the right of trial by jury. I think that provision should be maintained, and that the amendment proposing to strike it out should be rejected. A court with this right to try cases by a jury would be a much stronger court than the Court of Claims could possibly be. If we remove the inequality between our own citizens and the citizens of a foreign government and protect the right of trial by jury, then, in my judgment, we would be doing a good thing by passing the bill.

Mr. LANHAM. Will the gentleman from Mississippi allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. LANHAM. Inasmuch as we yielded to the gentleman from Mississippi under the impression that he was opposed to the bill, and in view of the fact that the amendment he has suggested can not be incorporated upon the bill under the pending motion, I would like to ask if he will vote against the bill in the absence of that amendment?

Mr. WILLIAMS of Mississippi. I will not vote for the bill unless the amendment is adopted giving to our own citizens equally the rights which we accord to the citizens or subjects of foreign governments. But let me say to the gentleman further, that I favor a bill to give to the citizens of a foreign government the right of trial in our circuit courts, and also to give to our own citizens equal rights before these courts. If that is not accepted, I am not in favor of the bill, because, as I said in the opening of my remarks, the bill does not go far enough.

I do not know where the gentleman got the impression that I was opposed to the bill for the same reasons which prompt him to oppose it, because in the very beginning of the debate, if the gentleman will remember, I asked some questions of the chairman which indicated that I did not think it went far enough, and opposed it on that ground solely.

Mr. LANHAM. I got it from the fact that the gentleman's judgment is always so exceedingly accurate, and I judge by the questions propounded by him to the gentleman from New York that he could not possibly have favored the bill.

Mr. WILLIAMS of Mississippi. I thank the gentleman from Texas. I think the gentleman from Mississippi is accurate and his judgment equally sound here; but I will not make myself a jury on my own case.

I think one of the most shameful things, and an indication of the slipshod manner in which the Government is carried on to-day, is the fact that the United States Government, great, strong, and powerful as it is, forces every obscure and humble citizen to knock at the doors of Congress for months, years, even decades, in order to get permission to enter into a court which has no final jurisdiction—permission to enter a court which has no right extended to it under the law, except the right to make a finding of fact and report that finding to the legislative body, instead of the right to make final adjudication of the claim presented—to do the very right as between citizen and sovereign.

Not only foreigners, but citizens of the United States, should have the right to go into a court, not merely for the purpose of having that court make a finding of fact, as proposed here, but for the purpose of having that court find a verdict and a judgment which shall stand as between the Government and the citizen or the Government and the foreigner.

I think, furthermore, that there ought to be a statute of limitations for and against the Government, and Congress ought to quit this piddling justice of the peace business, the hearing of evidence about claims concerning which it can not hear all the evidence.

I have never known a case brought before Congress where any Congressman not a member of the Committee on Claims or of the Committee on War Claims could say upon his honor that he knew "the truth, the whole truth, and nothing but the truth" about the claim. I am satisfied that the propositions which I have advocated would result in economy to the Government, because these claims go on until the evidence against them is lost, and we finally pay more than we would have to pay if they had been finally adjudicated when the memory of the case was fresh.

The bill which I wish to see pass would read as follows, except that I would change the period of limitation from two to six years:

A bill relating to claims against the United States for indemnity by subjects or citizens of a foreign state.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any subject or citizen of a foreign state or of the United States claiming of the United States, under a treaty or upon the principles of international law, or for any reason, indemnity for injury to person or property may bring suit upon such claim in any circuit court of the United States. Sections 5 to 11, inclusive, of chapter 359 of the acts of 1887 shall apply to and govern the initiation of said suit and all subsequent proceedings therein: Provided, That the provisions of this act shall apply only to citizens or subjects of those foreign states according like rights and privileges to the citizens of the United States: And provided further, That no such suit shall be brought after the expiration of two years from the accruing of such claim or cause of action.*

The SPEAKER. The gentleman from New York [Mr. RAY] has three minutes remaining.

Mr. RAY of New York. Mr. Speaker, the gentleman from Pennsylvania [Mr. MAHON] opposes this bill because, he says, there are a large number of attorneys in the city of Washington who will cook up jobs and load down the Court of Claims. His acquaintance runs with a different class of attorneys in the city of Washington from those I associate with.

Mr. MAHON. They are painted with the same brush.

Mr. RAY of New York. Those with whom I am acquainted are not of that character, and I do not believe that his acquaintances would have the ability to cook up enough claims against this Government to swamp the Court of Claims.

Now, Mr. Speaker, I quite agree with the gentleman from Mississippi [Mr. WILLIAMS] in the proposition that every self-respecting government ought to provide a mode of redress for wrongs committed which give a right of action to a citizen of a foreign country, and I have but little respect for that man who would deny to any human being the right to be heard in a court of justice because he happened to be the subject of some foreign government.

If any citizen of the United States goes across the water and is wronged or has a just claim against the government there, and that government gives him recognition in its courts, then I can not see why a decent respect for law and order and the opinions of mankind should not call upon this great Government to permit the citizens of that country to come into our Court of Claims, prove the facts, and have a finding of facts submitted to the law-makers of this great nation, and have those lawmakers say whether the claim is just and well founded or not, and whether it shall be paid.

The gentleman from Mississippi [Mr. WILLIAMS] says the bill does not go far enough. We can extend this privilege of going into the Court of Claims to our own citizens at any time. We have frequently done it.

Mr. HENRY of Mississippi. Why not do it now?

Mr. RAY of New York. A bill can be brought in here at any time allowing any citizen of this country to bring suit in the Court of Claims at any time, when that policy is deemed justifiable and best. But that question should not be brought in here at this time. The question is, Will we provide that citizens of foreign countries according like privileges to our citizens may bring suit, prove the facts in open court, where witnesses may be examined and cross-examined, and have the facts found and presented to Congress for its determination? Or shall we continue the present practice, and have these matters tried on affidavits in the Department of State? By such a course fraud may be, and often is, perpetrated. It is not satisfactory, and often defeats justice. In my judgment, sound business principles demand the passage of this bill. If we would have the respect of other governments, we should be willing to treat their citizens as fairly as they treat ours.

The SPEAKER. Debate on this bill is closed. The question is on suspending the rules and passing the bill.

The question being taken, on a division, demanded by Mr. HITT, there were—ayes 37, noes 82.

Accordingly, two-thirds not voting in favor thereof, the motion to suspend the rules and pass the bill was rejected.

SOLDIERS' HOME, TENNESSEE.

Mr. BROWNLOW. Mr. Speaker, by authority of the Committee on Military Affairs, I move to discharge that committee from the further consideration of the bill (S. 3252) to establish a

Branch Soldiers' Home at or near Johnson City, Washington County, Tenn., and to suspend the rules and pass the bill.

Mr. HOPKINS. Mr. Speaker, I demand a second.

The SPEAKER. The bill will first be reported.

The bill was read, as follows:

*Be it enacted, etc.,* That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the Home at Johnson City, Washington County, Tenn., or within a radius of 5 miles thereof. The same shall not be located on a tract of land less than 300 acres in extent.

SEC. 2. That said Branch Home shall be located and the ground purchased (unless the same be donated) by said Board of Managers within three months, or as soon thereafter as practicable, from the approval of this act.

SEC. 3. That within six months, or at soon thereafter as practicable, from the approval of this act, the said Board of Managers shall commence the erection or purchase of a suitable building or buildings on the ground so purchased for the use of said Branch Home. That said building or buildings shall be completed at as early a day as possible.

SEC. 4. That the sum of \$250,000 is hereby appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of said Branch Home.

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion and the Spanish-American war, and the provisional army and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the Home for Disabled Volunteer Soldiers.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. I demand a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. BROWNLOW. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unanimous consent is asked that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. BROWNLOW] and the gentleman from Alabama [Mr. UNDERWOOD] for and against the bill.

Mr. BROWNLOW. I yield to the chairman of the Committee on Military Affairs [Mr. HULL].

The SPEAKER. The gentleman from Tennessee yields to the gentleman from Iowa [Mr. HULL], chairman of the committee on Military Affairs.

Mr. HULL. Mr. Speaker, a very few words will be all that I desire to say on the bill. The Committee on Military Affairs, I think unanimously, reported in favor of establishing a Branch Soldiers' Home in East Tennessee. The Senate, after consideration of the House bill, passed a similar measure and sent it to us, and this is simply taking up the Senate bill in lieu of the House bill. There are no National Homes established in the South proper. There is a National Home at Hampton, in Virginia, put there more on account of the climate than because of its being in the heart of a soldier constituency. There were over 300,000 Union soldiers in Tennessee, Kentucky, and North Carolina that are virtually deprived of benefit of Soldiers' Homes.

When the Board of Managers were here recently in session, I took occasion to talk with them in regard to this matter and, after they had investigated the case, they recommended to me that it would be a good thing for the Government to establish this Home in East Tennessee, so as to give the ex-Union soldiers of the South the opportunity to be cared for in this Home on the same terms that their comrades of the North have been taken care of for some years. The report of the board was that the demand for admission was sufficient to justify the Government in the establishment of another Home; that the locations of the Homes already established are in the central part of the Republic, in the heart of the soldier constituency amply provided for, and that this would provide for the soldier of the South who served in the Union Army during the civil war. I do not desire to take any more time. These are, in brief, the reasons that led to this report, and the reasons that we think led the Board of Managers of the Homes to indorse it with their request to us to pass it if possible. I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa reserves the balance of his time.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I have listened to the gentleman from Iowa, and although there is no doubt but what this may be a proper place for the establishment of a soldiers' home, a number of other bills were before the Committee on Military Affairs—I think three bills. One was for the establishment of a home in Hot Springs, S. Dak.; another was to establish a branch soldiers' home at Denver, Colo. And I must say, as between the merits of the three measures, the one to establish a home in Colorado is deserving of receiving the first attention.

Mr. Speaker, I want to say that this home that is proposed to be established at Denver, Colo., and which has received the favorable consideration of the Committee on Military Affairs, is a home

where there is no home for 700 miles in one direction and 1,200 miles in another. Fully one-third of the entire United States is without a single soldiers' home, the farthest east being at Leavenworth, and in the west being at Los Angeles, Cal., and no intermediate soldiers' home between. Besides that, the climatic conditions in that country are such that it would make the most ideal place for a national soldiers' home, by reason of the fact we know that soldiers in their declining years of life are apt to be attacked by pulmonary diseases, and to take them to that climate would tend materially to restore their health. That is as meritorious a measure, if not more so, than the one the gentleman presented. But, Mr. Speaker, I do not care to oppose this bill. I propose to vote for it, but it seems to me the committee should have brought in a Western measure on which we could have voted to-day.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Tennessee.

Mr. GAINES. Mr. Speaker, the gentleman from Iowa [Mr. HULL] says this measure provides for a Home for the old Union soldier. That is true. But it goes still further. It takes care of the old Mexican soldier, and you know nearly all of them came from the South. It proposes to care for the soldiers that are disabled by wounds received in the Spanish war, as well as those fighting or that may hereafter fight in the Philippine Islands and become disabled. The 14 Southern States furnished for the Union Army 215,546 soldiers; for the Spanish war, 54,516; for our provisional army, 9,689; and I gave this measure my hearty support.

It is proposed to erect this Home in the county of Washington, in the mountains of East Tennessee, a most beautiful and healthy country, and contiguous and accessible to the entire South. This county was the home of John Sevier, eleven years governor of Tennessee, twice a member of Congress, and who fought the battle of Kings Mountain. Here Andrew Jackson was first admitted to the bar, where he afterwards presided as judge. In this county many of Tennessee's greatest and best men were born, reared, became illustrious in State and national matters, while from this neighborhood went 1,800 riflemen and aided in crushing Furgerson at Kings Mountain and made our independence possible.

May this structure be not only a Home for the veteran, but adorn this community, reminding the youth of these illustrious men and their patriotic and chivalrous deeds. A brave Mexican soldier, a brave Confederate soldier, the senior Senator from Tennessee [Mr. BATE], reported this measure to the Senate and gave it his cordial support. It was introduced in this House by my colleague, Mr. BROWNLOW, much to his credit and to those who shall support it. We may differ, Mr. Speaker, as I do with him, on fundamental political questions, but in this, devoid as it is of politics, I gladly join hands with him and the friends of this measure in urging this House to pass it, believing, as I do, that it is entirely meritorious.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Speaker, it seems to me that the gentleman from Colorado makes no argument against this bill. He makes an argument that ought to favor it, and that would eventually give another Home, and would be in favor of the remedy which he seeks.

Mr. SHAFROTH. I said to the House that I expected to vote for the bill.

Mr. MIERS of Indiana. It seems to me it is an opportunity that does not very often come to this House. We have not only been passing special pension bills, but establishing Homes all over the West and the North; and these men of the South have not only been helping to make a quorum, but they have been helping to establish these Homes all over the country, not only by their acquiescence but by their votes. Now, this House has an opportunity to deal fairly with all sections of the country and establish this Home in the South.

Now, you have an opportunity of doing the same thing for the same class of men—the old Union soldiers—and establishing it a little farther South, where the people of that section of the country can get the benefit not only of this kind of legislation as far as taxation is concerned, but a fair and honest recognition of a portion of this country that is to-day as loyal to the country and the best interest of the old soldier as any section of the country. It seems to me it is not only a matter of justice to the old soldier who lives down there, but it is a matter of justice to recognize the right of these gentlemen who have so loyally stood by the old soldiers all over the land, and for one I am heartily in favor of this measure.

I have the report on this bill, which shows that 14 Southern States furnished 54,000 soldiers for the late Spanish war, which shows her loyalty. A portion of the report is as follows:

According to the soldier population, it may be well to invite the attention of the House to the number of officers and men who served in the Union Army during the war of the rebellion, and in the Spanish-American war, and those now serving in the provisional army in the Philippine Islands.

These volunteer officers and men are from 14 Southern States, in the proportion indicated in the following table:

States.	War of the rebellion.	Spanish war.	Provisional army.
Alabama.....	2,576	4,022	571
Arkansas.....	8,289	2,936	321
Florida.....	1,290	1,350	75
Georgia.....	.....	4,383	1,515
Kentucky.....	79,025	5,614	1,799
Louisiana.....	5,224	2,916	82
Maryland.....	50,316	2,611	430
Mississippi.....	545	3,161	86
North Carolina.....	3,156	3,966	784
South Carolina.....	.....	2,618	250
Tennessee.....	31,032	6,266	1,364
Texas.....	1,965	6,756	1,428
Virginia.....	.....	5,223	525
West Virginia.....	32,068	2,694	450
Total.....	215,546	54,516	9,689

In addition to the above number of soldiers furnished from the Southern States during the war of the rebellion (all of whom were white men), there were recruited and mustered into the service of the United States, within the limit of what was known as the "Confederate States," 96,033 colored soldiers that are not included in the above table, making a grand total of enlistment from the Southern States in the war of the rebellion of both white and colored soldiers 311,579 officers and men. Had these soldiers gone with the so-called Confederacy there may be doubt in the minds of those who have studied the situation as to what had been the success of the Southern Confederacy. These soldiers enlisted at that period of the war of the rebellion when the outlook for the Union cause was the most gloomy, and their going into the Union Army at that time was believed by the ablest men of that day and time to have saved the nation.

The total number of enlistments during the war of the rebellion from all the States in the Union aggregated 2,324,516 officers and men, while, as above stated, 311,579 came from the Southern States and were practically and substantially one-fourth of the bona fide enlistments of the entire war. In the Northern States men were recruited for ninety days' and six months' service and reenlisted as many as two and three times, and were counted each time in the aggregation of enlistments, while the soldiers from the South almost all enlisted for one and three years or during the war.

Thus it will be seen that their proportion to the whole of the enlistments was really much larger than appears by the actual total of enlistments at hand. They went into the Union Army with the expectation of fighting their way back to their homes, and they knew that they could not go back to their homes until the war was fought to a finish, and it was immaterial to them whether it was for one or five years that they must serve, as the war must close before their mission was ended. They had but one object in view, and that was the preservation of the Union.

This country is now one in name, one in fact—no North no South—and every citizen of this great Republic is loyal to the old flag. I trust this bill will pass.

Mr. HULL. I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, as the debate on both sides seems to be in favor of the passage of this bill, I feel it is my duty to say to the House what the facts are touching this service in just about two minutes. It looks to me as if this bill would pass, but I want to say that the only possible argument in favor of its passage is one of climate down in East Tennessee. There are many Soldiers' Homes already. There is quite enough room in these Homes for all the soldiers who are entitled to relief under the law, and that includes the soldiers hereafter to come from the Spanish and the Philippine wars.

In the examination of the Board of Managers of Soldiers' Homes before the Committee on Appropriations touching the appropriations for this service, in December last, this question was asked:

The CHAIRMAN. In your judgment, do you think there is sufficient room, with such small additions at the Federal Homes as may be made from time to time for hospital room or where cooking will be done under one roof, to care for the soldiers who are entitled to be cared for under the general law?

The PRESIDENT OF THE BOARD. I think there is.

Now, then, in the South is the Home at Fortress Monroe. The farthest west is a Home at Santa Monica, and in the center of the country at Leavenworth, and so on. That there is ample room for all the soldiers entitled to the benefits of the Home and who desire it, in my judgment, is apparent. Now, having stated that in justice to the House, I have nothing further to add.

Mr. UNDERWOOD. I now yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. I only want to ask a question. I would like to ask the gentleman in charge of the bill if there are any other Homes in the State of Tennessee?

Mr. HULL. There is a Confederate Soldiers' Home in the State of Tennessee.

Mr. GAINES. And every Republican in the legislature voted for it.

Mr. OTEY. Are there any other Homes in the State of Tennessee—I mean Federal Homes?

Mr. HULL. There is no Federal Home.

Mr. OTEY. What appropriation does this bill carry?

Mr. HULL. An additional appropriation of \$250,000, but it will be larger than that if the Home is established.

Mr. OTEY. I would like to ask the gentleman from Indiana

[Mr. MIERS] what he meant by saying that these people were loyal to the old soldier?

Mr. MIERS of Indiana. If I said loyal to the old soldier, I did not mean it; I meant loyal to the nation and the old flag.

Mr. OTEY. I understood the gentleman to say that it was in a section of country where the people were loyal to the old soldier.

Mr. MIERS of Indiana. If I said so, I did not mean that; I meant to the nation and the old flag. I thank the gentleman, and will make the correction.

Mr. CANNON. I want to say that this bill carries an appropriation of \$250,000. Now, to build a Home like that, which will accommodate 3,000 people—and I apprehend this Home will be of that size—it will cost, in my judgment, judging from what other Homes have cost, from twelve hundred to fifteen hundred thousand dollars.

Mr. HULL. I now yield two minutes to the gentleman from Kentucky [Mr. BOERING].

Mr. BOERING. Mr. Speaker, this country to-day is what the warriors of the generations of the past have made it. There are only five States in this Union that furnished more soldiers to the Union Army in the civil war than did the State of Kentucky, and she furnished her quota, I think, to the other side as well. We all stand together to-day, supporting one flag and one country. Eastern Kentucky and eastern Tennessee in the civil war was considered an island of loyalty in a sea of secession, and I mean no disrespect to anybody by this remark. Suppose it does cost something to build a Home for those who have fought our battles. This section of Tennessee and Kentucky not only furnished soldiers to the Federal Army in time of the civil war, but it has furnished its quota of soldiers in every war, and if we have wars enough we shall fill it up to the full capacity indicated by the distinguished gentleman from Illinois [Mr. CANNON].

I am heartily in favor of the establishment of this Home, and of locating it in the healthy climate of east Tennessee.

Mr. HULL. I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I am grateful to the distinguished chairman of the Military Committee [Mr. HULL] for the courtesy extended me. As an ex-Confederate soldier, I am glad to have this opportunity of bearing testimony, in this public manner, of my high regard, esteem, and respect for the Federal soldiers. It is true that the district in Alabama that I have the honor to represent lies but a short distance from where this Home is to be established, and not only speaking for myself, but for all classes of my people, I say without hesitancy that we welcome the establishment of Homes in the South for disabled Federal soldiers. Since the close of our great civil war I have been a sincere and earnest advocate of fair, just, and liberal pensions, as well as National Homes for the disabled Union soldiers. It gives me pleasure to support a bill of this kind appropriating \$250,000, and even if you should make the amount \$350,000, I would cheerfully do likewise.

I believe, Mr. Speaker, that this is the way—yea, the best way—to reconcile whatever troubles or heartburnings there may have been in the South, and especially in the locality where it is proposed to establish this Home. There has never been any trouble, Mr. Speaker, between the Federal soldier and the Confederate. The history of the world has never presented a parallel to the welding of the lives and friendships that has taken place in the last thirty years between Federal and Confederate soldiers. The effect of these friendly associations between brave men who had met each other on bloody fields of battle is bearing fruit as our numbers daily are passing away. When his Excellency the President of the United States (Mr. McKinley) made his tour, some two years since, through the South and said the time would soon come when the Government would take care of the graves of the Confederate soldiers, this sentiment was greeted and welcomed by millions of brave and true men in the South. We knew that the President was sincere. He spoke it not only as President, but as a brave soldier. I sincerely believe, Mr. Speaker, that the location of this Home in East Tennessee and steps of this kind, which are being inaugurated and approved, will yet lead to the consummation of the desire which exists in the conservative mind of the North and the South to see a Home built which will admit both Federal and Confederate disabled soldiers. Such a Home, of course, should be under the rule and government of the Federal Homes law.

I would welcome that time. One of the first bills, Mr. Speaker, introduced by me in this House was to establish a Home of that kind in the vicinity of the beautiful city of Huntsville, Ala., the most attractive section of the Tennessee Valley. Such a measure, Mr. Speaker, will do more to allay the passions and prejudices produced by the war than anything else that we can do. The soldiers of the Grand Army of the Republic—the Confederate soldier, Republicans and Democrats, among our people all speak out for such a Home. I am glad that this Home proposed by the bill under consideration will be established in that beautiful and historic

section of East Tennessee. And for myself, let me say, as an ex-Confederate soldier, treasuring the memories, as I reverently do, that are dear to my heart in connection with that wonderful struggle, honoring the brave men who fought on the other side, it gives me an amount of pleasure that I can not express in the few minutes allowed me to-day to cast my vote for this bill. [Loud and long applause.]

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

The SPEAKER. In the absence of objection, the House bill corresponding in substance to the bill just passed will be laid on the table.

There was no objection.

#### SALARY OF COMMISSIONER OF EDUCATION, PORTO RICO.

Mr. COOPER of Wisconsin. By direction of the Committee on Insular Affairs, I move to suspend the rules and pass the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act.

Be it enacted, etc., That the annual salary of the commissioner of education mentioned in section 36 of the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, shall be \$4,000 per annum in lieu of the sum provided for in said section of said act.

SEC. 2. That this act shall take effect and be in force from and after the 1st day of March, 1901.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. COOPER of Wisconsin. Will not the gentleman withdraw that for a moment till I can make a brief explanation? When I have stated this case I think there will be no opposition to this bill. I ask unanimous consent—

The SPEAKER. Unanimous consent is asked that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Before that is done I will ask whether this bill has been unanimously reported?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. RICHARDSON of Tennessee. Then I have no objection to a second being considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill was introduced at the suggestion and upon the request of the Secretary of War; and I can not state the facts in relation to it and the reasons in its favor more forcibly than he has done in the letter which he has addressed to me.

#### WAR DEPARTMENT, OFFICE OF THE SECRETARY, Washington, December 4, 1900.

SIR: I beg to call attention to the discrepancy between the provision of salary for the commissioner of education to Porto Rico and the salaries of the other principal officers in that island. I do this, although the island has passed from the jurisdiction of the War Department, because when we were endeavoring last spring to secure suitable officers the inadequacy of this particular salary caused great difficulty in securing the right man. Professor Brombaugh, who now occupies the position, did not seek it, but was sought by the Administration. I applied to Provost Harrison, of the University of Pennsylvania, for help in getting a good man, and he suggested Professor Brombaugh. The professor was at the time receiving a much larger compensation than was provided in the bill, and he accepted this position upon a promise that the matter should be brought to the attention of Congress at this session and an effort made to remedy the injustice. Of course, there is nothing more important in Porto Rico than education and nothing which requires for its proper organization and management more special training and ability.

I hope that, even in the rush of the short session, this salary may be put upon a level with the others.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

The CHAIRMAN OF THE  
COMMITTEE ON INSULAR AFFAIRS,  
House of Representatives.

The salary given to this officer by the act approved April 12 of last year is \$3,000. The commissioner of the interior, the secretary, the attorney-general, and one or two other principal officers of the island appointed by the President under the same act receive salaries of \$4,000 each. No one of these officers has more arduous duties to perform than has this commissioner of education, and I think that there is none who performs his duties more assiduously and well.

I have received a personal letter from Professor Brombaugh, written since the bill was introduced (it was introduced without any previous correspondence with him), in which he says:

I did not want to be commissioner of education here. I never asked for the place. The President and Secretary Root urged me to come. \* \* \* I am unable to live here as cheaply as I did in Philadelphia, and I am receiving here just half of the amount I earned there under vastly more pleasant and helpful conditions. I am willing to make some sacrifice. I can not make all that the law now imposes.

As I understand, Professor Brombaugh, before accepting his present position, was earning \$6,000 a year—\$5,000 as salary and \$1,000 from another source. He was not an applicant for this position. He did not know that his name was to be considered in

connection with it. There were many applicants for the appointment, but the Secretary of War and, I think it only proper for me to say, the President of the United States sought for a man worthy of the place, in whom they could have absolute confidence.

They consulted Provost Harrison, of the University of Pennsylvania, and he recommended Professor Brombaugh. This is a clear case of the office seeking the man and of high public duty discharged at great personal sacrifice. This man gave up a position in which he was earning every year \$6,000 in order to accept this office with its salary of only \$3,000, because he was importuned to do so by the Administration.

The Committee on Insular Affairs is unanimous in support of the bill, Mr. Speaker, and I hope it will pass without objection.

Mr. HENRY of Mississippi. Before action is taken upon the bill, Mr. Speaker, I wish to ask the gentleman a question. How much does this official get now?

Mr. COOPER of Wisconsin. He gets \$3,000, while all of the others receive \$4,000.

Mr. HENRY of Mississippi. Did he not voluntarily go there and accept the position?

Mr. COOPER of Wisconsin. His going there was under the circumstances I have mentioned, and which are stated in the communication from the Secretary of War. He did not seek this position, but was requested to go and take charge of this work upon the understanding mentioned in Secretary Root's letter.

Mr. HENRY of Mississippi. Could he not resign and let somebody else, who was an applicant, take the place?

Mr. COOPER of Wisconsin. I have no doubt that could be done. But there are circumstances in this case, as I have just suggested, which make it entirely different from any others that have come under my observation. I think if the gentleman understood the facts he would not object.

Mr. HENRY of Mississippi. Well, I did not know anything about it and wanted to get the information.

Mr. COOPER of Wisconsin. Well, the Secretary of War knows about it, as does also the Committee on Insular Affairs. The Secretary was unwilling to accept the other applicants for the position, and sought a man who was known to be competent to take the place. The place was offered to this gentleman, and he took it, as I have shown, at quite a considerable loss to himself. He only took it with the tacit understanding, however, that he was to receive the same compensation or the same salary as is received by other officials occupying a similar position in that island.

Mr. HENRY of Mississippi. I only wanted to get at the facts with a view of ascertaining whether it was not possible to get somebody else to take the place.

Mr. COOPER of Wisconsin. Undoubtedly somebody else might take the place; but the question is whether you can get as competent a man. Certainly you can not for anything like the same amount of money.

Mr. HILL. Do I understand that this is paid out of the Porto Rican funds?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. HILL. Is this appointment made at the request of the people of Porto Rico, and is the compensation fixed according to their suggestion?

Mr. COOPER of Wisconsin. I can only quote to the gentleman as I have already quoted what the Secretary of War says in that connection.

Mr. HILL. Has there been a request from the people of Porto Rico for this increase?

Mr. COOPER of Wisconsin. No.

Mr. HILL. I mean, is this acceptable to the people who are now legislating for Porto Rico?

Mr. COOPER of Wisconsin. There has been no petition. I will state to the gentleman, with reference to the matter, that the commissioner from Porto Rico, who is now here, is heartily in favor of it and thinks that the enactment should be made.

Mr. HILL. Does he recommend it?

Mr. COOPER of Wisconsin. He does, and is entirely satisfied that Professor Brombaugh should receive precisely the same salary as the other officers. He told me that the people of Porto Rico were delighted with him, and were under great obligations to him for the services he had rendered in that island.

Mr. HILL. Does the commissioner from Porto Rico favor the bill?

Mr. COOPER of Wisconsin. He does.

Mr. HILL. I have no objection to it.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

#### PORT OF DELIVERY AT DES MOINES, IOWA.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill as amended which I send to the Clerk's desk.

The SPEAKER. The title of the bill will be read.  
The Clerk read as follows:

A bill (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa.

The SPEAKER. The bill will be read.  
The Clerk read the bill as amended, as follows:

*Be it enacted, etc.,* That section 2 of an act entitled "An act establishing a port of delivery at Des Moines, Iowa," approved April 7, 1892, be, and is hereby, amended by striking out, after the word "port," in said section, the words "whose salary shall be the usual fees and commissions;" so as to read as follows:

"SEC. 2. That there shall be appointed a surveyor of customs, to reside at said port."

The SPEAKER. Is there objection to the request of the gentleman from Iowa for the immediate consideration of the bill?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Iowa if this bill is reported by the Committee on Ways and Means?

Mr. HULL. I will say to the gentleman that this bill has been reported twice on previous occasions in different Congresses by the Committee on Ways and Means.

Mr. RICHARDSON of Tennessee. Has it been reported in this Congress?

Mr. HULL. Yes; this is the report that I am now presenting to the House and asking consent for its passage.

Mr. DALZELL. It was unanimously reported from the committee.

Mr. HULL. When this bill was originally passed, the Committee on Ways and Means amended it to provide for the usual fees and allowances or commissions in such cases. The committee thought, of course, that the surveyor of the port would receive the salary provided by law, but the Comptroller holds that by putting in the words "usual fees and commissions" it cuts off the salary altogether.

That, Mr. Speaker, is the only place in the United States where the salary of the surveyor of the port is cut to this extent, or where he is deprived of this small compensation of \$250 a year. I hope, therefore, there will be no objection to the consideration or the passage of the bill.

Mr. GAINES. Where is this?

Mr. HULL. At Des Moines, Iowa.

Mr. GAINES. I never yet heard of anybody being deprived of anything out there.

The SPEAKER. Is there objection to the request of the gentleman from Iowa that the bill be considered?

There was no objection.

The bill was considered, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12548. An act to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri; and

H. R. 5048. An act to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque Grant, and for other purposes.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

#### Senate concurrent resolution 93.

*Resolved by the Senate (the House of Representatives concurring),* That Congress will observe the 4th day of February next, being the one hundredth anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States, by exercises to be held in honor of his memory; and for that purpose a joint committee be appointed by the President of the Senate and the Speaker of the House, respectively, to arrange said exercises and the time and place therefor, to be participated in by the President, the Supreme Court, the Congress, and such officers of this Government and foreign governments, such members of the judiciary and of the bar, and such distinguished citizens as may be invited thereto by such committee.

#### Senate concurrent resolution 94.

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be directed to transmit to the Senate an additional estimate of the amount necessary to be appropriated for the completion of the work upon the lock and dam at Brennekes Shoals, on the Osage River, in the State of Missouri.

#### Senate concurrent resolution 95.

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be directed to furnish the Senate and House of Representatives with a supplementary report as to the necessity of an appropriation of \$80,000 for completing the improvement of Bayou Plaquemine, Louisiana.

#### Senate concurrent resolution 96.

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be directed to transmit to the Senate an estimate of the cost of deepening the channel of Curtis Bay, Baltimore Harbor, in Maryland, to 30 feet and widening the channel to 250 feet; and also an estimate of the cost of increasing the depth of the main ship channel of the Patapsco River and Baltimore Harbor to 35 feet and the width thereof to 1,000 feet.

Also:

*Resolved,* That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (S. 2245) directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White.

Also:

*Resolved,* That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

*Resolved,* That the Senate extends to his family and to the people of the State of Iowa sincere condolence in their bereavement.

*Resolved,* That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

*Resolved,* That the Secretary transmit to the family of the deceased and to the governor of the State of Iowa a copy of these resolutions, with the action of the Senate thereon.

*Resolved,* That the Secretary communicate these resolutions to the House of Representatives.

*Resolved,* That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 91. An act granting a pension to J. J. Groff;

S. 292. An act granting an increase of pension to Martha G. D. Lyster;

S. 349. An act granting an increase of pension to James H. Coventon;

S. 667. An act granting a pension to B. H. Randall;

S. 1400. An act granting a pension to William Lyman Chittenden;

S. 1413. An act granting a pension to Erie E. Farmer;

S. 2166. An act granting an increase of pension to Charles A. D. Wiswell;

S. 2400. An act granting an increase of pension to Edith Lockwood Sturdy;

S. 3457. An act granting an increase of pension to Laura Ann Smith;

S. 4054. An act granting an increase of pension to Elizabeth W. Eldridge;

S. 4441. An act granting an increase of pension to Gertrude B. Wilkinson;

S. 4574. An act granting an increase of pension to Mary Emily Wilcox;

S. 4575. An act granting an increase of pension to Thomas Claiborne;

S. 5093. An act granting an increase of pension to Charlotte W. Drew.

#### SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

#### Senate concurrent resolution 93:

*Resolved by the Senate (the House of Representatives concurring),* That Congress will observe the 4th day of February next, being the one hundredth anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States, by exercises to be held in honor of his memory; and for that purpose a joint committee be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, to arrange said exercises and the time and place therefor, to be participated in by the President, the Supreme Court, the Congress, and such officers of this Government and foreign governments, such members of the judiciary and of the bar, and such distinguished citizens as may be invited thereto by such committee—

to the Committee on Rules.

#### Senate concurrent resolution 96:

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be directed to transmit to the Senate an estimate of the cost of deepening the channel of Curtis Bay, Baltimore Harbor, in Maryland, to 30 feet and widening the channel to 250 feet; and also an estimate of the cost of increasing the depth of the main ship channel of the Patapsco River and Baltimore Harbor to 35 feet and the width thereof to 1,000 feet—

to the Committee on Rivers and Harbors.

#### Senate concurrent resolution 95:

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be directed to furnish the Senate and House of Representatives with a supplementary report as to the necessity of an appropriation of \$80,000 for completing the improvement of Bayou Plaquemine, Louisiana—

to the Committee on Rivers and Harbors.

#### ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4633. An act granting a pension to John Calvin Lane.

#### EXTENSION OF MINING LAWS TO SALINE LANDS.

Mr. NEWLANDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3313) extending the mining laws to saline lands.

The SPEAKER. The gentleman from Nevada asks unanimous consent for the present consideration of a bill which is on the Speaker's table, and which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.* That possession and title to salt deposits and saline lands on the public domain may be acquired under the provisions of the sixth chapter of the Revised Statutes of the United States relating to mines and mineral deposits.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McRAE. Mr. Speaker, I shall object to the consideration of this bill unless it can be agreed in advance that I shall be recognized both to debate and amend it.

It is an important matter that ought to receive the careful consideration of the House. I have no objection to the consideration of the bill if my request is granted, but I think the bill ought to go over until to-morrow, because it will take more time than gentlemen may be willing to devote to it to-night.

Mr. NEWLANDS. How much time does the gentleman want?

Mr. McRAE. I will get through just as soon as I can, but it will take at least half an hour, and maybe more. I want to be recognized in my own right, both to debate and amend the bill, because it is an important matter, involving large interests, and it ought not to be disposed of without careful consideration.

Mr. NEWLANDS. I have no objection to that, Mr. Speaker.

Mr. LACEY. Is the motion of the gentleman from Nevada a motion to suspend the rules and pass the bill?

The SPEAKER. No. The gentleman from Nevada asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. McRAE. I object, unless that can be agreed to.

Mr. NEWLANDS. I say I have no objection to that.

The SPEAKER. The gentleman from Nevada has stated that he had no objection to that.

Mr. McRAE. I am to be recognized in my own right, and have the right to move amendments during that time.

Mr. DALZELL. For half an hour?

Mr. McRAE. Yes.

Mr. DALZELL. Oh, Mr. Speaker, I move that the House do now adjourn.

Mr. RICHARDSON of Tennessee. Is it understood that this will come up in the morning?

The SPEAKER. Unanimous consent has not been given for its consideration. If that were given, of course it would be unfinished business in the morning.

Mr. McRAE. With the understanding that I can be recognized to debate the bill and offer amendments to it, I say I have no objection to its consideration now.

The SPEAKER. The gentleman who is in charge of the bill has consented to that.

Mr. McRAE. Well, I say, with that understanding, I make no objection.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] withhold his motion?

Mr. DALZELL. I withhold my motion.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves that the House do now adjourn. Pending that motion, the Chair will submit some personal requests of members.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. HULL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of J. V. D. Middleton, Fifty-fifth Congress, there being no adverse report thereon.

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Alabama, indefinitely, on account of sickness.

The motion of Mr. DALZELL was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, final report on the Outer Bar, at Brunswick, Ga.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to the cost of a telephone service to the United States light-house at Table Bluff, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting additional documents relating to estimates for the Territory of Hawaii—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting esti-

mates of deficiency appropriations for the year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims and a recommendation for legislation in relation to prize money—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 13729) making appropriations for the services of the Post-Office Department for the fiscal year ending June 30, 1902, reported the same, accompanied by a report (No. 2411); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill (H. R. 11363), reported in lieu thereof a resolution (H. Res. 376) for the relief of legal representative of Cyrus Gault, deceased, late of Baltimore, Md., accompanied by a report (No. 2410); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 3696) for the relief of Mary R. Frost, reported the same with amendment, accompanied by a report (No. 2413); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 13730) to supplement existing laws relating to the possession of lands in the Indian Territory, and so forth—to the Committee on Indian Affairs.

By Mr. CUMMINGS: A bill (H. R. 13731) to provide an American register for the steamer *Enterprise*—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Arizona: A bill (H. R. 13732) to authorize the Bradshaw Mountain Railroad Company to construct a railroad through forest reserve and public lands of the United States in Yavapai County, Ariz., to Crowned King and other mining camps in said county—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 13733) for lighting suburban streets by the electric railway companies whose lines occupy said streets in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTEY: A bill (H. R. 13741) to punish frauds on keepers of hotels and inns in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 13752) to regulate the collection of taxes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KING: A bill (H. R. 13767) granting land for cemetery purposes—to the Committee on the Public Lands.

By Mr. HULL: A resolution (H. Res. 377) for consideration of the report on S. 4300—to the Committee on Rules.

By Mr. ROBINSON of Nebraska: A resolution of the senate of the State of Nebraska favoring the Senate bill to establish a school of mines in each State—to the Committee on the Public Lands.

By Mr. WILSON of Idaho: A memorial of the legislature of Idaho protesting against legislation permitting the leasing of the public domain—to the Committee on the Public Lands.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 13734) granting an increase of pension to William J. Dodson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13735) for the relief of William Shepperd—to the Committee on Claims.

Also, a bill (H. R. 13736) granting an increase of pension to Seth Weldy—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13737) granting a pension to Albert Russell—to the Committee on Pensions.

Also, a bill (H. R. 13738) granting a pension to Wesley J. Banks—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 13739) to authorize Dr. Eugene Wasdin, Marine-Hospital Service, and Dr. H. D. Geddings, Marine-Hospital Service, to accept testimonials from the Government of Italy—to the Committee on Foreign Affairs.

By Mr. LESTER: A bill (H. R. 13740) granting a pension to Jane Day—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 13742) for the relief of R. C. Stokes—to the Committee on Claims.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13743) for the relief of Joseph N. Campbell and Stephen Blacksmith—to the Committee on Indian Affairs.

By Mr. RUSSELL: A bill (H. R. 13744) granting an increase of pension to Abbie T. Daniels—to the Committee on Invalid Pensions.

By Mr. SALMON: A bill (H. R. 13745) for the relief of John Treftz—to the Committee on Military Affairs.

By Mr. SPALDING: A bill (H. R. 13746) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers in the grade he would have attained had he remained in the service—to the Committee on Military Affairs.

By Mr. STEWART of New York: A bill (H. R. 13747) granting an increase of pension to David Schram—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 13748) granting an increase of pension to Solomon D. Sturtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13749) granting an increase of pension to George W. Brill—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 13750) granting a pension to Olive Howard—to the Committee on Pensions.

By Mr. WEYMOUTH: A bill (H. R. 13751) to remove the charge of desertion now standing against the record of Patrick Hanigan, alias John Congren—to the Committee on Naval Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 13753) granting a pension to Joseph Denney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13754) granting a pension to Elizabeth Stoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13755) granting a pension to Mrs. M. J. Randall, of Mound City, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13756) granting a pension to Charles Maxon, of Waldron, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting a pension to Mary A. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting a pension to Elizabeth A. Beaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13759) granting a pension to Thomas J. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13760) to remove the charge of desertion standing against James Stephenson, alias Stevenson—to the Committee on Military Affairs.

Also, a bill (H. R. 13761) granting a pension to Mary F. Parcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13762) granting a pension to George F. Mire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13763) for the relief of Thomas Clark—to the Committee on War Claims.

Also, a bill (H. R. 13764) to correct the military record of W. H. Self—to the Committee on Military Affairs.

Also, a bill (H. R. 13765) granting a pension to Christina Donley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13766) for the relief of the heirs of Eliza Breckenridge—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BERRY: Petition of the internal-revenue gaugers, storekeepers, etc., of the Sixth revenue district of Kentucky, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. BOWERSOCK: Resolutions of the Commercial Club of Topeka, Kans., against dividing the water of the Arkansas River in Colorado—to the Committee on the Public Lands.

Also, resolutions of the Good Roads Association of Kansas, favoring an appropriation for public highways—to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Resolution of the Commer-

cial Club of Sturgis, S. Dak., for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the Commercial Club of Sturgis, S. Dak., urging the passage of the so-called Cullom bill, entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Commercial Club of Sturgis, S. Dak., favoring an appropriation to make preliminary surveys for reservoir sites in Western States; also, for a further appropriation for experimental artesian wells in the arid States—to the Committee on the Public Lands.

By Mr. COCHRANE of New York: Petition of Troy Branch of National Indian Association, in favor of making provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. CONNELL: Petition of C. H. Cool and 24 others, urging the passage of a measure providing a permanent supply of live water for irrigation purposes for the Pima and Papago Indians in Arizona—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: Petition of the Church of the Good Shepherd, of Racine, Wis., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Board of Trade of Porto Rico, to divide the island into two customs districts—to the Committee on Insular Affairs.

By Mr. CORLISS: Petitions of A. J. Hershey and others and J. M. Thompson and others, of Detroit, Mich., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. DE ARMOND: Papers to accompany House bill increasing the pension of Mathew C. White—to the Committee on Pensions.

By Mr. ESCH: Resolutions of the Wisconsin Federation of Labor, in opposition to Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of Milwaukee, Wis., favoring a forest reserve and national park at Leech Lake, Cass Lake, and Winnibigoshish Lake Indian Reservation—to the Committee on the Public Lands.

By Mr. GILLET of Massachusetts: Petitions of Indian associations of Springfield and Amherst, Mass., favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. GRAHAM: Petition of the Indianapolis Monetary Convention, favoring the adoption of a system by which the exchangeability of the metallic currencies at the Treasury, at the will of the holder, may be maintained—to the Committee on Banking and Currency.

Also, petition of H. K. Mulford Company, Philadelphia, in support of Senate bill No. 2283, amending the war-revenue reduction bill—to the Committee on Ways and Means.

By Mr. HITT: Petition of O. B. Bidwell, of Freeport, Ill., for the prohibition of intoxicating liquors to native races in the Philippine Islands, Alaska, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOHNSTON: Petition of Laving, Humphreys & Co. and others, of Hinton, W. Va., to accompany House bill No. 5295, for the repeal of the bankruptcy act of 1898—to the Committee on the Judiciary.

By Mr. KING: Petition of the Independent Order of Odd Fellows and Knights of Pythias, of Salt Lake City, Utah, asking that a certain portion of the ground near Fort Douglas Military Reservation be set apart for cemetery use for said orders—to the Committee on the Public Lands.

By Mr. KLEBERG: Petition of the keeper and surfmen of Saluria life-saving station, asking for increase of salary as keepers in the United States Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of Mary E. Hyatt, and papers, to accompany House bill No. 13333 for extension of patent—to the Committee on Patents.

Also, petition of citizens of the Seventh Congressional district of California, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. NORTON of South Carolina: Petition of W. L. Downey and 7 other letter carriers of Charleston, S. C., praying for the passage of House bill No. 10315, relating to certain claims of letter carriers for pay for extra services—to the Committee on Claims.

By Mr. OTJEN: Petition of the Milwaukee Chamber of Commerce, in favor of a forest reserve and national park—to the Committee on Indian Affairs.

Also, petition of the Wisconsin Teachers' Association, relating to reorganizing the Educational Department—to the Committee on Education.

Also, petition of Casimer Gouski and others, relating to the erection of a monument to Count Casimer Pulaski—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of Rev. J. D. Brosy and 70 other citizens of Auburn, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ROBINSON of Nebraska: Paper to accompany House bill for the relief of Joseph M. Campbell and Stephen Blacksmith—to the Committee on Indian Affairs.

Also, petition of officers and members of the Presbytery of Niobrara, Nebr., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Merchants' Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. RUSSELL: Petition of Norwich, Conn., Indian Association, relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, papers to accompany House bill granting an increase of pension to Abbie T. Daniels—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: Petition of Merchants' Association of New York, favoring continuance of postal tubular system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. VAN VOORHIS: Paper to accompany House bill granting an increase of pension to Solomon D. Sturtz—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to George W. Brill—to the Committee on Invalid Pensions.

By Mr. YOUNG: Letters of George W. Wagner & Co. and John F. Graff, of Philadelphia, Pa., favoring such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. B. Colesworthy, of Hornellsville, N. Y., favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Naval Command, No. 1, Spanish-American War Veterans, in opposition to the passage of the Army bill as now pending—to the Committee on Military Affairs.

Also, petition of H. K. Mulford Company, Philadelphia, Pa., in favor of Senate bill No. 2283, amending the war-revenue reduction bill—to the Committee on Ways and Means.

## SENATE.

TUESDAY, January 22, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. PENROSE and Mr. MARTIN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3252) to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa;

A bill (H. R. 10305) to provide a home for aged and infirm colored people;

A bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia;"

A bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act;

A bill (H. R. 12039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley;

A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes;

A bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution;

A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

A bill (H. R. 13607) to provide additional force at the workhouse and the almshouse, District of Columbia; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5048) to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque grant, and for other purposes; and

A bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Dunbar, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of sundry citizens of Camden, N. J., praying for the enactment of legislation reimbursing them for overtime made as letter carriers; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Barnegat, N. J., and a petition of the Woman's Christian Temperance Union of Cranbury Station, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquor to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Warren County; of H. M. Loveland, of Cohansey; of the New Jersey Dairy Union, and of the New Jersey State board of agriculture, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Orange, South Boundbrook, and Newark, and of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church of Newark, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of sundry citizens of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Aurora, Nebr., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented a petition of sundry citizens of West Virginia, praying for the enactment of legislation to provide a national memorial home for aged and infirm colored people; which was referred to the Committee on Education and Labor.

Mr. FOSTER presented memorials of sundry citizens of Woodland and Kalama, all in the State of Washington, remonstrating against the adoption of certain amendments to the so-called ship-subsidy bill; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, praying for the construction of an easterly breakwater at Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. MCCOMAS presented the petition of John Q. Everson, Mark W. Watson, and sundry other citizens of Allegheny County, Pa., praying that their claims be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. THURSTON. I present a petition of the legislature of the State of Nebraska, praying for the enactment of legislation providing for the establishment of a school of mines in every State where such a school does not exist. I ask that the petition be printed in the RECORD and referred to the Committee on Mines and Mining.

There being no objection, the petition was referred to the